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**RECENT DISRUPTION**

OF THE

**SYNOD OF CANADA,**

IN CONNECTION WITH

**THE CHURCH of SCOTLAND**

**CALLED FOR ?**

AN ADDRESS TO THE PRESBYTERIANS OF CANADA  
WHO STILL SUPPORT THE SYNOD IN CON-  
NECTION WITH THE CHURCH OF  
SCOTLAND.

PUBLISHED AT THE REQUEST OF THE COMMISSION  
OF THE SYNOD OF THE PRESBYTERIAN  
CHURCH OF CANADA.

BRANTFORD :

C. E. STEWART & Co., BOOK AND JOB PRINTERS, GEORGE STREET.

1872.

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## PUBLISHER'S NOTICE.

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A number of clergymen and others connected with the Canada Presbyterian Church, believing that it would be of advantage, at the present time, to republish the late Dr. Bayne's pamphlet on the "Disruption of the Presbyterian Church in Canada," have asked me to undertake said republication. They wish it, however, to be distinctly understood, that this is not done for the purpose of retarding or hindering the proposed union with the other branch of the Presbyterian Church, but in order to help in securing, as far as possible, a union without sacrifice of truth or principle,—a union worthy of the Church with which they are connected, in its past and present associations. The pamphlet, it is hoped, will be found worthy of perusal by all who are in any way interested in the question discussed. They will discover it to be a clear and masterly exposition of the whole question in dispute between the two Churches, which at the time led to disruption, and which, it will be admitted, possesses more than a merely temporary interest.

And, as one of the few publications left behind him of its very talented author, it will be specially interesting to all who knew him personally, and to many who only knew him by reputation. I may say that I have great pleasure in helping to put in circulation again, the following thoughts and utterances of one whom I so much admired and loved.

A. HUDSON.

Brantford, April 18, 1872.



## WAS THE DISRUPTION CALLED FOR?

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The most common answer with which the friends of the Presbyterian Church in Canada, when advocating the necessity of the recent disruption, are met by those who support the Synod in connection with the Church of Scotland, is, that whatever may have been the case in Scotland, a disruption in Canada was completely uncalled for. And, by many, the mere assertion involved in this answer, is obviously regarded as in itself conclusive. Indeed, one can scarcely move about in society, without meeting with some simpleton or other, who will deliver himself of this answer with an air of oracular wisdom, as if it settled the whole question at issue completely and for ever. "Sir, it is *my opinion* that the disruption was a *thing* completely uncalled for. There may, it is true, have been occasion for the disruption in Scotland; and, perhaps, had I been in Scotland, I should have joined the *Free Church* too; but, in Canada, Sir, in Canada—three thousand miles from Scotland—where union among all Presbyterians was of such immense importance, the disruption, let me tell you, was an act of most gratuitous folly."

Of those who would settle the question in this summary way, a large proportion, there is reason to believe, are about as remarkable for their ignorance as for their confidence. When asked to give a reason for their opinion, and thus gently reminded that assertion, however confident, is not exactly the same thing with argument, it will commonly be found—we have even heard not a few frankly avow it,—that they have never studied the subject at all, that they have been quite content to jump to their conclusion in the dark, and that, mistaking the mere assertion, that the disruption was uncalled for, for an argument, they have never supposed that any other reason for their judgment could be expected or required. To such persons we have little to say. The conduct of men, professing to be followers of Christ, who can coolly dispose, in this way, of a grave and momentous question of principle—a question, moreover, deeply affecting the interests of the Redeemer's kingdom—needs no comment; their support of the Synod in connection with the Church of Scotland, yields her no honour; and their conviction, by argument, however conclusive, may be regarded as next to hopeless.

Among those, however, who allege that the disruption was uncalled for, there are, we believe, not a few with whom it is not altogether hopeless to reason,—whose opinion, if not based on a

very careful and searching examination of the subject, has its origin in feelings which are far from being blame-worthy, and, with which, indeed, we heartily sympathise, and who have not yet parted with the honest desire to judge of the question at issue between us, upon a full and dispassionate consideration of the whole merits of the case. To such persons we are anxious to supply the materials, from which we conceive an enlightened and impartial judgment may be formed; and we now respectfully address them, believing, as we do, that if they will only patiently listen to us, we shall be able to furnish them with reasons good and strong, for reversing the judgment to which, through partial information, they have come, and for concluding that, in so far at least as our separation from the Synod which they are supporting is concerned, the disruption, instead of being unnecessary, was imperatively called for, by a regard to the duty which we owed to Christ.

And, in entering upon the statement which we propose to submit to them, we are happy in being able to assure such persons, that, with the feelings under which chiefly we believe they have formed their opinions and are now acting, we can heartily sympathise.

You have a strong feeling that there *need not*, and *ought not* to have existed any occasion for a disruption in Canada, in consequence of the disruption of the Church of Scotland; that so lamentable an event might easily have been prevented; and that had only a little common sense, not to speak of principle, prevailed in the Synod, it could never have occurred. We cherish the very same feeling! Nay; we will even go the length of saying, that, *in this sense*, a more "uncalled-for disruption" never occurred. What we object to is, the conclusion to which, under this feeling, you have come, and into which we believe your better judgment was hurried by it, before you had given to the subject that full and anxious consideration which its importance deserved,—the conclusion, we mean, *that occasion did not actually arise*, or that circumstances did not actually occur, which rendered our secession necessary, and that we are, therefore, the guilty cause of an "uncalled-for disruption." The feeling, under which you have decided against us, we conceive to be right; but in ignorance of the facts of the case, you have allowed it to flow in a wrong channel, and directed it against the wrong parties.

Allowing, as we most unreservedly do, that the disruption in Canada could only have been brought about by the most inexcusable folly as well as wickedness,—allowing that in the circumstances in which the Synod was placed, by the disruption of the Church of Scotland, there existed no *necessary* occasion for a disruption among its members,—no strong temptation even to such a course as would lead to it, nothing, in a word, that could have led to it, among wise, honest, true-hearted men, allowing this we would put it to yourselves, *does this show, or can this show*

that we are the guilty authors of the disruption? or does it prove that occasion did not actually arise for it, or, in other words, that a course of procedure was not actually adopted by the majority of the Synod, which rendered our separation from them a duty? To ring the changes, as so many seem to do, on the melancholy fact that there *ought not*, and *needed not* to have been any occasion for the disruption in Canada, and, under the feelings thus excited, to neglect the essential enquiry, whether that event did not actually become necessary, through the course pursued by the Synod, and to jump to the conclusion, that on our heads the sin of an "uncalled-for disruption" is to be laid, is a course unworthy of intelligent men.

The fact, that the supporters of the Presbyterian Church of Canada happened to be in the minority in the Synod, and were thus the moving party in the disruption, has led some well-meaning persons, not accustomed to reflect on such subjects, to suppose that, as a matter of course, *they* are the cause of the disruption, and that on them the blame of that event must lie. But, we would beg such persons to consider, that the moving party in a disruption are not always the real disruptionists,—that the guilt of rending,—aye, of unnecessarily rending,—a Church, may lie on the heads of the remaining, or Residuary party;—and that a disruption may have been unnecessary and uncalled-for, in the sense of there having been no such difference of *professed* principle among those who have taken part in it, and no such strong temptation to deviate from the path of duty, as should have presented any formidable barrier to a reconciliation of differences of opinion, and to an agreement to act together on the side of truth and principle; and yet that that very disruption may have been rendered inevitable, and the secession of those who are the moving party in it, an imperative duty, by the selfish folly—the unprincipled tergiversation—the flagrant disregard of what was due to the Headship of Christ—and the openly avowed determination to support the cause of His enemies—into which the majority of a Church may have recklessly and gratuitously plunged.

The way of deciding who was in the right in the present case, and on which side your duty to Christ calls you to stand, is not by harping, however gracefully or plaintively, on the one string: surely the disruption was uncalled for,—surely it might have been prevented;—surely all the members of the Synod might still have been united in peace and harmony,—but, by enquiring into all the circumstances of the case, and learning fully the grounds on which each party has acted. The case is one of facts, and of principles; and, by a careful reference to the proofs and arguments, illustrative of these, a right judgment upon its merits can alone be formed. In no other way can you be entitled to pronounce who has acted from principle, and in obedience to the dictates of conscience, and from a simple-hearted regard to the honor of Christ, and who, under the influence of some inferior and unworthy motives,—who is on the

side of Christ, and who on the side of his enemies,—or of those, at least, who wittingly or unwittingly are doing injury to His cause.

The question at issue, between us and the Synod in connection with the Church of Scotland, is briefly this:—Has the Church of Scotland sinned in matters vital and fundamental; and was the Synod called, on the ground of her having so sinned, to dissolve connection with her? And on the answer to be given to that question, must depend the answer to the other question. Which of us is in the right,—which on Christ's side,—and which the real and guilty cause of the disruption? We undertake to prove that the Church of Scotland has so sinned,—that the Synod was imperatively called upon to renounce connection with that sinning Church,—and that when wantonly and gratuitously the majority of the Synod resolved to stand by that Church,—to uphold and encourage her in her sin,—and to lend their influence to extend and perpetuate the dishonor she has cast on the cause of Christ, and the wrong she has done to the people of Scotland,—no alternative was left us but to separate from their communion, and to wash our hands of the guilt which we believed them to have incurred, and of the course of opposition to the interests of Christ's kingdom, on which we considered them to have entered.

If we can establish these positions,—if we can prove to you that our procedure has been justified by reasons so conclusive,—then, surely, you must admit that we at least are not chargeable with the blame of the disruption; that if it was not called for in one sense, it was most imperatively called for in another; and, that they who rendered it necessary by their uncalled-for disregard to principle and expediency, and every motive which ought to have weighed with them in the matter, are the proper parties against whom your indignation at this “so uncalled for disruption” will not indeed be lessened—on the contrary, we believe it will be deepened—but that it will flow in a very different channel.

But you demur to the correctness of the positions with respect to the sin of the Established Church of Scotland, and the duty of the Synod in Canada, which we have just laid down. Very proper! We do not wish you to take them for granted, as you have been taking the opinions on which you have hitherto been acting, *without enquiry*. What we desire is, that you should hear, and weigh dispassionately what we have to say, and then judge for yourselves, as reason and conscience shall approve. We do not dread investigation,—we court it. We do not muzzle the mouths of those who come among us to support our cause, we love free and full discussion. What we dread is, judgment pronounced in ignorance,—sentimental tears about “this uncalled-for disruption” precluding enquiry,—and the commonplaces of prejudice and selfishness bandied about as arguments, and substituted for the dictates of sound principle and common sense.

Let us hope that you will feel and ponder over our arguments, while we proceed briefly to lay before you the grounds upon which we justify our procedure, in separating from the Synod in connection with the Church of Scotland, and on which we believe that that procedure should commend itself to every friend of the spiritual independence of the Church, and every well wisher to the cause of Christ in Canada. We believe that many are repelled from the examination of the subject, by the complication of the details which require to be considered, and the contradictory assertions in regard to matters of fact which are made on the opposite sides;—we shall, therefore, endeavour to present the subject in as simple a form as possible, and to establish the positions advanced, by a reference to irrefragable proofs. Only discard from your minds all regard to bold and general assertions on either side; and, by the verdict which you pronounce on the facts which we shall adduce, and the principles to which we shall appeal, we shall be content to abide.

## SIN OF THE CHURCH OF SCOTLAND.

To understand the sin of the Church of Scotland, three things will require to be considered. *First*—The Scriptural Constitution of that Church, as laid down in her standards, and sanctioned by the State in her establishment. *Second*—The claims, subversive of that constitution, to a right of interference with her ecclesiastical procedure, which have been made by the Civil Courts, and sanctioned by the Legislature. And, *third*—The action of the Church in regard to these claims, and the position in relation to the state in which she now stands.

*First*.—CONSTITUTION OF THE CHURCH OF SCOTLAND. To those who know anything of the history of the Church of Scotland, it will be a familiar fact, that that Church has been specially distinguished among the Churches of the Reformation, for her testimonies and contendings on behalf of the crown rights of Christ as "King of Kings," and "King of Saints." On the one hand she has ever maintained, that it was the duty of the civil magistrate, as under law to Christ, the "King of Kings," the Prince of the Kings of the earth, and bound to act within the civil province committed to his care, in accordance with His laws, and for the promotion of His glory, to countenance, protect, and establish the Church. And, on the other hand, she has no less uniformly and zealously maintained, that the Church, as a kingdom, not of this world,—the spiritual kingdom of Christ, as "King of Saints,"—is entitled to the enjoyment of perfect liberty, and the unfettered exercise of exclusive spiritual jurisdiction; that in respect of doctrine, discipline, and worship, she is responsible to Christ, her Head, alone, and can lawfully own no other rule than His Word, and no other government than that which He hath instituted; and that, in the discharge of the duties which he owes to her, the civil magistrate has no



right or warrant whatever to encroach upon her liberty, to interfere with her jurisdiction, or, in any way, to intrude into the spiritual province, and to usurp authority over her in things with respect to which she is responsible to Christ alone. And these principles which the Church of Scotland has thus been distinguished for maintaining, have ever been held by her members to be fundamental parts of her constitution, found as they are distinctly and unequivocally laid down in her standards.

It is with respect to the latter of the principles to which we have referred,—that relating to the Headship of Christ over the Church, and the inherent liberty and exclusive jurisdiction of the Church itself, that the contentings between the Church and the Civil Courts in Scotland, which have issued in the disruption, have taken place; and it is the provisions of the constitution of the Church of Scotland, based on that principle, which we hold to have been destroyed.

But the Established Church, it is sometimes said, holds the doctrine of the Headship of Christ, and the principle of the inherent liberty and exclusive jurisdiction of the Church which is involved in it, as well as the Free Church; the difference between them is merely that they give a different interpretation of them. If the public reports of the speeches delivered by the deputation from the Established Church, which recently visited the colony, may be relied upon, this was a favorite assertion of theirs:—Oh! said they, we don't deny the Headship of Christ—we hold it as decidedly as any minister of the Free Church can do—we can preach it too, as fully—the only difference between us is, a trifling difference in the interpretation we put upon it. We shall not waste the time nor insult the understanding of any man of common intelligence, by pointing out at length, the paltzy and contemptible evasion involved in such an assertion. We would simply remark, that the question at issue between us, is not whether or no they *profess* to hold the doctrine of Christ's Headship, but whether the interpretation which they have put upon it,—and which we thank them for so frankly admitting to be *different from* that of the Free Church,—is, indeed, a trifling one; and whether, on the contrary, it does not amount to a giving up of the doctrine altogether. Arians, we know, admit that Christ was the son of God; but, when they come to interpret the sense in which they understand the words, they stand forth as deniers of the proper divinity and proper sonship of the Saviour of sinners. Roman Catholics profess to hold the great doctrine of the atonement; but, when we refer to the doctrines which they also hold with respect to the sacrifice of the mass, to the merit of good works, to penances, to absolution, and the like, we find that they cut up the doctrine of the atonement by the roots. And so of countless heresies; they are just erroneous interpretations of scriptural statements or of doctrines professedly held.

But, to bring matters to a point, so that no one may be hoodwinked by such an unworthy evasion, or lose himself amidst

vague generalities,—as those who are not accustomed to deal with general principles are so apt to do, when such principles are merely generally announced,—it may be well that we show you what is the proper interpretation of this doctrine of the Headship of Christ, or what it necessarily implies as to the duty of the Church, and the duty of those who are not of the Church, (such as the governments of the world), in their dealings towards it, before we pass to the proof of our assertion that the State in Scotland has acted in defiance of this doctrine, and that the Church has submitted to its usurpations.

And first, as a general conclusion from this doctrine, it follows, that no party without the Church is warranted to intermeddle with its government or discipline, or in any way to exercise a coercive power over the administration of its affairs, or can attempt to do so without intruding into the ecclesiastical province, and encroaching upon the prerogatives of Christ. And further, that no party within the Church is warranted to submit to such interference, or can wilfully submit, without violating their allegiance to their King and Head, and virtually giving up the assertion of his sole Headship in His own kingdom. In a word if there be any meaning in this doctrine at all, the integrity and independence of the Church must be maintained inviolate. There must be no submission on the part of the Church to any foreign power,—no incorporation with the kingdoms of the world,—no deference in the regulation of her ecclesiastical affairs to any authority but that of Christ, and no appeal to any standard but that which He hath given.

But next, to show the extent to which a right interpretation of this doctrine requires the independence of the Church to be maintained, it may be well to remark, that the principle of the **inherent liberty and exclusive spiritual jurisdiction** of the Church, applies to *every part* of the Church's duty, with respect to which Christ, her Head, has given her a revelation of His will. If, for instance, Christ has given laws for her guidance in any matter, by these laws she is bound, by her allegiance to Him, to abide; setting at defiance, if need be, the mightiest earthly potentate who may attempt to impose his laws in their room. If, again, Christ has assigned it to her as part of her duty to ordain suitable men to the office of the holy ministry, and to depose them from that office when found unworthy, then she is bound to act according to her own conscientious convictions of duty in such matters, without submitting to the trammels or regarding the commands by which any earthly power may attempt to limit her freedom. Or, again, if Christ has conferred on her office-bearers, qualified in a particular way, the power of performing certain spiritual functions, at the bidding of no human authority may she allow those powers to be exercised by others? Or, if, once more, Christ has conferred any rights upon her members, in regard to the calling of pastors, or any other matter, for no earthly object, and from a regard to the fear or the favor of no earthly government, may these sacred rights be given up or

compromised? There is, in fine, no branch of her duty to which the principle does not apply; and no right or privilege, conferred upon her by Christ, which it does not require her sacredly to maintain.

Such is the interpretation of the doctrine of Christ's Headship over the Church, which we are satisfied will command the assent of every intelligent and true-hearted Presbyterian; but let us just briefly glance at the proof of our assertion, that this is a doctrine contained in the standards of the Church of Scotland, and which was recognized and sanctioned by the State, when she was established.

1.—The following quotations from the *Second Book of Discipline* and the *Confession of Faith*, will show how explicitly this doctrine is laid down in the Standards of the Church:—

“The Government of the Church is an order or form of spiritual government, which is exercised by the members appointed thereto by the Word of God; and therefore is given immediately to the office-bearers, by whom it is exercised to the weal of the whole body.’ \* \* \* ‘This power and policy ecclesiastical is different and distinct in its own nature from the power and policy which is called the civil power, and appertains to the civil government of the commonwealth, albeit they be both of God.’ \* \* \* ‘For this power ecclesiastical flows immediately from God, and the Mediator, Jesus Christ, and is spiritual, not having a temporal head on earth; but only Christ, the only spiritual King and Governor of His Church.’

“That God alone is Lord of the conscience, and hath left it free from the doctrines and commandments of men, which are in anything contrary to His Word, or beside it in matters of faith and worship; that the Lord Jesus, as King and Head of His Church, hath therein appointed a government in the hand of Church officers, *distinct from the civil magistrate*:—that ‘to these officers the keys of the kingdom of heaven are committed;’—and ‘that the civil magistrate *may not* assume to himself administration of the Word and Sacraments, or the power of the keys of the kingdom of heaven.’ ”

2.—With respect to the recognition of this doctrine, as determining the constitution of the Church, when she was established by the State, the following quotations from the Memorial issued by the Convocation which sat at Edinburgh, in November, 1842, will suffice to prove, both that the State recognized this doctrine in the recognition of her standards, and, above all, that the civil courts long understood and respected the perfect independence and exclusive jurisdiction of the Church thus recognized by the State, and, moreover, did so in that very matter of the settlement of ministers, a collision about which led to the disruption.



After laying down the constitution of the Church of Scotland, the Memorial thus proceeds:—

"Such, then, being the undoubted principles held by the Church of Scotland in regard to this matter,—she conceives that these principles have been, at various periods of her history, *expressly recognized and sanctioned by the State, as the principles upon which she is established, and under which she holds her endowments, and the other immunities of her establishment.* Thus, in particular (without at present going back to earlier times), when the establishment under which the Church at present exists was, very solemnly, settled at the Revolution, the Legislature—while it recognized her as the Established Church, entitled to the State endowments, and made provision for her enjoyment of them—did, in the very same act, afford to her the most ample recognition of the sacredness and inviolability of her spiritual government. By the act 1690. chap. 5, Parliament not only 'established, ratified, and confirmed, the Presbyterian Church government and discipline to be the only government of Christ's Church within this kingdom;' but it recognized and fixed the exclusive character of the spiritual government, thus vested in the Church, by also 'ratifying and establishing the Confession of Faith, in which it is laid down, that *'there is no other Head of the Church but the Lord Jesus Christ,'* and that *'the Lord Jesus as King and Head of His Church, hath therein appointed a Government in the hands of Church officers, DISTINCT FROM the civil magistrate;'* and, in respect to the most important head of the Church's spiritual government, viz., that touching the appointment and removal of her ministers (who form the chief officers in conducting her spiritual government), the same act 'revives, renews, and confirms' a previous act (1592), by which it is explicitly declared, that 'the collation and deprivation of ministers' are among those '*essential privileges*' which '*God hath given to His Church,*'—from which, it is thereby farther declared, that the supremacy of the Sovereign over all his subjects, shall in no-wise derogate.

"The exclusive authority of the Church, in the conduct of her entire spiritual government, under her great Head,—thus secured by the act of her Establishment,—was still farther secured to the Church, by the Act of Security and the Treaty of Union between the two kingdoms, by which Parliament most solemnly '*establish and confirm the said true Protestant religion, and the worship, discipline, and government of this Church, to continue, without any alteration, to the people of this land, in all succeeding generations;*' and farther provided, that 'the Sovereign succeeding in the royal government of the kingdom of Great Britain, shall, in all time coming, at his or her accession to the crown, *swear and subscribe, that they shall inviolably maintain and preserve the foresaid settlement of the foresaid true Protestant religion, with the government, worship, discipline, rights and privileges of this Church, as above established;*' the said establishment being farther declared to form '*a fundamental and essential condition of the treaty of union*' between the two kingdoms.

"It has, therefore, always appeared to the Church of Scotland, that so far from having received, or from holding, her endowments and other immunities of her establishment, under condition of being subject, in any article of her spiritual government, to secular control, she has, by the very act of her establishment, obtained the most explicit recognition of her absolute spiritual freedom, and that her religious principle upon this head, recognized, in that character of it, by the State, has been secured to her, for ever, by the fundamental laws of the United Kingdom.

"But still farther, the Church has been supported in the view she has thus taken of her constitutional freedom, by the decisions of the civil courts and the invariable practice of the law, from the period of the Revolution down to the present day;—the law too having been declared and adhered to, during that period, by the civil courts, under circumstances calculated to prove the peculiar strength of the securities under which the Church possesses her exclusive spiritual authority."

\* \* \* \* \*

"Thus, so early as 1735, the Court of Session adjudged that '*right to the stipend is a civil right; and therefore, that the Court have power to cognosce and determine upon the legality of the admission of ministers, to this effect,—whether the person admitted shall have right to the stipend or not.*' And when, in 1749, the Court was asked to interdict a Presbytery from proceeding to admit, as minister of a parish, another person than the patron's presentee, they unanimously refused,—'*because that was interfering with the power of ordination, or*

*internal policy of the Church, with which the Lords thought they had nothing to do.* The same principle was invariably adhered to in numerous other cases; and Lord Kames, in a formal Treatise on the Jurisdiction of the Courts, lays it down as the unquestionable law, that Presbyteries and the Church Judicatories are supreme in the matter of the settlement of ministers,—‘their sentence being ultimate, even where their proceedings are illegal,’—or contrary to the obligation expressed in relation to them in the Statute; the only ‘check (as he states) provided by law being, that a minister, so settled illegally, shall not be entitled to the stipend,’—an arrangement which, he adds, ‘happily reconciles two things commonly opposite,’ viz., the necessary freedom of the Church, and a competent regard to the civil interests of patrons.”

But it has been argued by some—an established Church cannot be thus independent of the civil power by which she was established, and the Church of Scotland gave up, to some extent, her independence when she received her existence, as an establishment, from the State. As an establishment, it is said she only exists by statute, and must be just what the State is pleased to make her. This was a favorite argument among the lawyers,—and we are sorry to add, among the voluntaries,—in Scotland, during the discussions which preceded the disruption there; and we have occasionally heard it broached even in Canada. The quotation we have given, proves that this, at least, was not the theory on which the Church of Scotland was established. It is utterly Erastian; and, if good for anything, would just go to prove, not that the Scottish establishment ought not now to be renounced as Erastian, but that it is a grievous mistake to suppose that her Erastianism only began at the disruption, and that she should have been renounced as Erastian long ago.

But, again, it is sometimes argued, that it is difficult to define the distinction between what is civil and what is ecclesiastical in an establishment; and that, to avoid endless collisions, the claim of an established Church to spiritual independence must be at least defined by the civil courts, and the powers implied in it, exercised within the limits which they assign. This, too, is Erastianism, and would virtually involve the loss of the Church's independence. The power possessed by one court of determining the limits of another's jurisdiction, is plainly incompatible with the real independence of the latter. There is no difficulty beside, where men do not purposely make it, in defining the distinction between what is civil and what is spiritual or ecclesiastical in an establishment. What the State gave is civil, and may be dealt with as such; what Christ gave is spiritual, and must be respected and held sacred as such. The State confers upon an establishment certain civil advantages and immunities; with these it may deal, and these, if it sees fit, it may take away. Christ gave all that properly constitutes the Church,—what she would have possessed independent of her establishment,—and with these the State has nothing whatever to do. Each,—the Church and the State,—within its own province is supreme, and let each keep within that province, only reviewing what is done by the other for objects within that province, and there need be no collision or interference whatever. In the admirable speech of Lord Jeffry, in the Auchterarder case, this view will be found strikingly illustrated by a reference

to the co-ordinate jurisdiction of the courts of session and justiciary in Scotland, and applied convincingly, at the same time, to prove the independence secured by statute to the Church of Scotland.

But, still further it has been said, that the act imposing Patronage on the Church of Scotland, *so far* took away her independence, and that it was too late when the Veto Law was passed to begin the assertion of that independence. It is, unfortunately, not to be denied, that this act did, to a certain extent, interfere with the independence of the Church, by conferring on a party, not necessarily within the Church, the power of acting in a matter properly ecclesiastical, and by depriving the members of the Church of a right which we believe Christ conferred on them. The tame submission of the Church to this encroachment on her rights, was a grievous sin; and she has now reaped the natural fruits. But, it is to be observed—the encroachment thus made, was only in *one particular*, beset from various causes with peculiar difficulties,—it left the Church *free* in all other matters,—and even in the department within which it limited her action, it did so only partially. It deprived the people, indeed, of free election, but it did not compel the Church to force a presentee upon a reclaiming congregation. It still left to the people the right of call, and still left the Church at liberty to make the free call of the people, the ground on which the pastoral tie should be formed. This has ever been the opinion of the evangelical and anti-Erastian party in that Church, and, on this ground patronage was submitted to by that party under protest, and in the hope of its being eventually removed. The encroachments of the civil courts which we are now to explain, go immeasurably beyond this; they affect the whole ecclesiastical province of the Church, and sweep away every vestige of real spiritual independence.

*Second.*—CLAIMS, SUBVERSIVE OF THE SPIRITUAL INDEPENDENCE OF THE CHURCH, ADVANCED BY THE CIVIL COURTS, AND SANCTIONED BY THE IMPERIAL LEGISLATURE. A ludicrous attempt is sometimes made, to evade the consideration of the nature and amount of the claims, subversive of the independence of the Church, which have been advanced and enforced by the civil courts in Scotland, by reviving the old and now buried question of the legality of the Veto Law,—the law, as will be remembered, in which the dispute between the Church and these courts originated,—and by attempting to prove that in the enactment of this law, the Church exceeded her powers, and rashly drew down upon herself the interference of the civil courts;—as if the proof of the assertion that the Veto Law was illegal, involved in it the refutation of the allegation that the civil courts, by their Erastian usurpations, have enslaved the Church. One defender of the Synod in connection with the Church of Scotland, in particular, has excited the *wonder* of his opponents, if not of his friends, by adopting this, and with an appearance of perfect honesty and good faith, as almost his sole line of defence.

But, whatever the motives with which this discussion of the legality, of the Veto Law may be started, a more shallow and disreputable evasion of the real question at issue could not well be conceived.

Were the charge brought by the Free Church, merely that the civil courts *had no civil statute to ground upon*, in advancing claims subversive of the rights of the Church *with respect to the calling of pastors*,—to which, as will be remembered, the Veto Law referred,—it would, of course be the natural and proper defence of the *legality* of what has been done by these courts (though it would be no answer to a charge of Erastianism against these courts or against the Church), to prove, if that could be done, that the Church had been deprived of these rights by the act imposing Patronage, or by some other statute, and had, therefore, acted against the law in passing the Veto Act; but that charge is but a trifling fraction, so to speak, of the whole charge which is made against these courts, and sinks into comparative insignificance when the whole is brought forward. The whole charge is, that the civil courts have both in opposing the Veto Law, and in a great many other cases, with some of which the Veto Law had nothing to do, advanced claims to Erastian supremacy, and enforced Erastian principles; and that the melancholy result is, that they have now thoroughly enslaved the Church,—that they have stretched their hand over the whole ecclesiastical province,—and that the Church, once free with the liberty conferred upon her by Christ, exists now as the mere creature of the State, and has only so much power, and so much freedom of action as the State is pleased to allow. How preposterous, as an answer to this charge, to tell us that the Veto Law was illegal! Suppose that a dispute arose between two sovereigns respecting the boundary line between the contiguous provinces of their dominions—and suppose the dispute ended in the stronger of the two taking the settlement of the question in his own hands, and not only running the boundary line in his own favour, but occupying, as his own, the whole province hitherto possessed by his neighbour,—or, it may be, subduing and enslaving his whole kingdom,—in what state, we ask, would the wits of the man be considered, who should attempt to disprove the statement that the province in question had been occupied, or the kingdom enslaved, not by referring to the evidence on which the statement rested, but by discussing the question of the boundary line, and proving, that he whose province or whose kingdom was alleged to have been wrested from him, had been in the wrong regarding it. One can scarcely realize conduct so absurd; yet, if you think of it, just as absurd and ludicrous an evasion of the real question is it, to meet the assertion that the civil courts in Scotland have enslaved the Church, by attempting to prove that the Veto Law was illegal, that those who brought it forward were in favour of Patronage, or that it was condemned by Dr. McCrie. It is, indeed, lamentable to think of the tortuous aberrations from common sense, not to

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speaking of egotism, of which sane men sometimes become capable in defending a bad cause, and of the gravity with which those who wish to be convinced by them, will sometimes listen, to what they would otherwise repel with indignation, as a miserable attempt to juggle with their understandings.

That the Church had a constitutional right to pass the Veto Law, and that it was, therefore, perfectly legal, follows as a necessary and obvious consequence, if the view which we have given of the constitution of the Church be correct; it is, also, plain from the fact, that it was merely a law for carrying out the great principle of the Church. "that no pastor shall be intruded upon a reclaiming congregation," and for regulating the *right of call*, which, according to the immemorial and constitutional usage, was recognised as belonging to the people of Scotland, and of which no act, not even the nefarious act of 1711, restoring Patronage, had ever deprived them,—although under the blighting reign of moderatism, the curse of the Church of Scotland, it had been treated by the Church herself as a mere matter of form; and the conclusion to which we are thus irresistibly led, possesses, if that were wanted, all the weight which the highest legal authorities can give it,—it being well known that its mover in the General Assembly was Lord Moncrieff, one of the ablest and most upright judges on the Scottish Bench—that it received the sanction of the law officers of the Crown in Scotland,—that it was lauded by the Attorney-General of England,—that the then Lord Chancellor, Lord Brougham, although he has wheeled about on this as on so many other questions, publicly pronounced it as "in every respect more desirable than any other course which could have been taken,"—and that the Judges on the Scottish Bench, who have pronounced in its favor, if not more numerous than those who have decided against it, do, almost by universal consent, far outweigh the latter in all the qualities which give authority to judicial opinions.

But, it matters almost nothing to our argument, with respect to the Erastian supremacy claimed by the civil courts over the Church, how you decide this point. In whatever way it may be decided, we are brought to the very same conclusion, viz., that, in respect of the calling of ministers, such supremacy is claimed. If, on the one hand, the Veto Law was legal, then the civil courts, by declaring it and treating it as illegal, have been guilty,—and that in violation of the law which it was their duty to administer,—of a foul encroachment on the rights and liberties of the Church of Scotland. And, if on the other hand, contrary to the long-cherished belief of the anti-Erastian friends of the Church, she had no *legal* right to pass that law, and her people no *legal* right to the power, in the exercise of which, it was intended to direct them, then the action of the civil courts has just made it manifest, not that there has been no encroachment upon the rights and liberties of the Church in respect of the call, but that such encroachment had taken place before the Veto Law was passed, and that the act restoring Patronage had

struck a deadlier blow at the independence of the Church, than the worst enemies of Patronage had ever supposed. Decide, then, as to the legality and judiciousness of the Veto Law as you please ; but do not overlook the palpable fact, that in one way or other *the free right of call* has been taken from the members of the Established Church, and the power of making laws with regard to the exercise of this right, from her office-bearers, and you have all the light bearing on our argument, which a discussion of the legality of the Veto Law can give, and a proof of the correctness, in part at least, of that general and sweeping charge of having enslaved and Erastianized the Church, which we are now to establish against the civil courts of Scotland, and the Imperial Legislature.

In order that you may see how the claims advanced by the civil courts, both in opposing the Veto Law, and in other cases, affect the spiritual independence of the Church, it is important that you should understand the principle on which these claims are based, as from not understanding this, many have been perplexed and staggered by assertions confidently put forth, and supported by apparently plausible proofs, to the effect that the civil courts do not claim the power of reviewing and reversing the decisions of Church courts in purely spiritual matters. Triumphant appeals, in particular, have been made to the decision of Lord Canningham, in the case of a parishioner who had raised an action against his minister for having refused him a token of admission to the Lord's Table, and baptism for his child, in which that Judge states, that the case "is purely a spiritual case, and, as such, it is one in which the Church courts have an exclusive jurisdiction;" and again, that "the ministers of the Established Church have an exclusive jurisdiction, by statute, in all spiritual cases.—and it seems equally clear, that the ministers of other persuasions are equally protected at common law;" and it is asked what ampler acknowledgement of the spiritual independence of the Church could any man desire, and the public are left to infer, or sometimes flatly told, that in the statements which we make on the subject, we are guilty "of something like falsehood." An attempt is also sometimes made to show, that in all the cases in which they interfered with decisions of Church courts, the civil courts dealt only with civil or secular interests, or sought to prevent the Church from doing injury to such interests; and on this the conclusion is founded, that in so far as jurisdiction in spiritual matters is concerned, the independence of the Church has been in no way invaded. All this no doubt, is fitted to puzzle plain men, who do not happen to have full means of information. A few words of explanation, however, will clear up the difficulty, and show upon whose heads the sin "of something like falsehood" is to be laid.

It is to be observed, then, that the civil courts do not claim, absolutely, the right of interfering with, or controlling the action of Church courts in purely spiritual matters,—they do not pretend to be spiritual courts, in other words, or to have a direct

right of review in things purely spiritual ;—in this respect, they would, doubtless, assent to such general statements as those of Lord Cunningham. Neither, again, have they interfered with the Church, except on the plea, that some civil interest was affected by the decisions of the Church ;—the general statements of our opponents on this subject are *so far* correct. But, then, mark well the principle on which they base their claims to a right of interference with the Church, and you will find that it places the Church under their control in spiritual matters almost as completely as she could be, if they claimed a direct right, as *superior spiritual courts*, to review all her proceedings. That principle is, that wherever a civil interest is affected by the decision of a Church court, they have a right to interfere, and to interfere, (let this be specially noticed), not merely for the purpose of dealing with the civil interest involved, and giving civil redress in regard to it, *but for the purpose of suspending or annulling spiritual acts,—of enjoining, under the threat of civil penalties the performance of spiritual functions,—and, in one word, of exercising, for civil ends, and by means of the compulsitors of civil law, as absolute a control over the actions of the courts of the Church, as they could exercise if they were themselves spiritual courts, and possessed, as such, of a direct right of review in all spiritual matters.*

Thus, to illustrate, by a reference to the actual procedure of these courts, suppose a probationer is presented to a parish by the patron, they do not pretend, it is true, to have any right to review, as a *spiritual matter*, what is done by the Presbytery with regard to his ordination,—this would be too monstrous even for them,—but, on the ground, that a civil interest, viz., the right of the presentee to the stipend, is effected by the procedure of the Church courts, they assert a right of reviewing their procedure, and of interdicting and suspending their action ;—nay ; more ! of enjoining them to take him on trial with a view to ordination, and of punishing them as guilty of a civil wrong if they refuse to comply ;—thus, in the spiritual matter of ordination, usurping over the Presbytery as great,—we might say greater,—power than they could do if claiming to be spiritual courts. Or, again, suppose a minister is suspended or deposed for immorality by a Presbytery, they do not pretend, in such a case, any more than in the former, to any *direct* right of review ; but, on the same ground of a civil interest, *i. e.*, the minister's right to his stipend being affected, they assert the right of interdicting, suspending, or reducing what has been done by the Presbytery, and protecting the man who has been deprived of office in the name of the Lord Jesus Christ, not in his right to the stipend merely, but in the discharge of all his spiritual functions, as if he had never been deposed ;—and, thus again, usurping over the Church, in this important department of the spiritual province, a complete Erastian supremacy.

This, then, is the principle on which the claims of the civil courts, to interfere with the Church in spiritual matters, is



based; and every intelligent Presbyterian will see at once how utterly Erastian it is, and how completely, even while the exclusive jurisdiction of the Church, in matters purely spiritual, is *formally* admitted, it lays the Church prostrate at the feet of the civil power. We shall immediately, show the extent to which, proceeding on this principle, the civil courts have actually intruded into the spiritual province, and taken away the spiritual independence of the Church; but, in order that they may understand thoroughly the evidence on this point, which we are about to adduce, we wish those who have not studied the subject before, thoroughly to master the explanation we have just given. The Church of Scotland, during her contentings with the civil courts, never, be it observed, denied the right of these courts to review her procedure *for civil ends*, and to give or withhold, as they saw fit, civil effect to that procedure. They never, in other words, contested the right of these courts to do with stipends, and manses, and glebes, and all the other temporalities of the Church, as they pleased;—in this respect they were as ready, as the most zealous of their opponents, to “*obey the law.*” What they held was, that the civil power had no right to go further,—that they were not entitled, for civil ends, or for any ends, to interfere with what was spiritual,—to control or coerce them in the exercise of powers which they had received from Christ, and for the right exercise of which they were responsible to Him alone,—or to interdict, suspend, or reduce what was done by them in the name of Christ, and within the province which Christ had committed to their care. And had the civil courts kept within their own province, and dealt merely with the temporalities, affected by the procedure of the Church, the struggle, which issued in the disruption, would never have occurred. But the civil courts would not thus restrict themselves; wherever as we have explained, a civil interest was affected by the action of the Church, in any case, no matter how purely spiritual that action, they asserted the right on this ground, of dealing, not merely with the civil interest so affected, but with *the spiritual action of the Church itself*. Here, you will observe, lies the Erastianism of the claims to supremacy over the Church, advanced by these courts, which no formal admissions of the Church’s exclusive jurisdiction in matters purely spiritual, and no mere assertions that the civil courts have only dealt with civil interests can explain away. On the plea of their supremacy in *things civil*, these courts have asserted a right of intermeddling with *things spiritual*, and thus have thrust in a wedge by which they have broken up the scriptural constitution of the Church of Scotland, set aside the solemn sanctions by which her spiritual independence was guaranteed by the State, and reduced her from the glorious position which she once occupied, to a condition of helpless dependence on the good pleasure of the civil power.

But let us now proceed to show the *extent* to which, on the principle we have explained, the civil courts have actually advanced claims subversive of the spiritual independence of the



Church. We cannot undertake, within the limits we have assigned to this address, to record all that has been done in this way; but we shall point out enough to prove that there is scarcely a spiritual function,—if, indeed, there be so much as one,—with respect to which the civil courts do not claim the right of controlling or setting aside the action of the Church.

The civil courts, then, have claimed the right of controlling or setting aside the action of the Church in the following, among other purely spiritual or ecclesiastical matters:—*First*—The ordination and settlement of ministers. *Second*—The suspension and deposition of ministers. *Third*—The conferring of power to perform spiritual functions. *Fourth*—The composition of Church courts. *Fifth*—The extension of parochial superintendence over the members of the Church. And, *Sixth*—The preaching of the Gospel. A simple statement of facts will make this plain.

*First*.—It will be admitted that the ordination and settlement of a minister is a purely spiritual matter. If it be not, there is nothing spiritual in a Church at all. Now, in this purely spiritual matter, the civil courts (on the principle we have just explained) have interfered with the action of the Church in three different ways:—1st. They have issued a decree, requiring and ordaining a Church court to take on trial, and admit to the office of the holy ministry (or in other words, to ordain), in a particular charge, an unordained presentee; this was done in the well known Marnoch case. 2nd. They have interdicted a Presbytery of the Church from ordaining and admitting to a pastoral charge; this they did in the Lethendy case. And, 3rd. They have found the members of a Church court liable in damages, as for a civil wrong, for obeying their ecclesiastical superiors, and refusing, at the bidding of a civil court, to proceed with the ordination and settlement of a presentee; this was done in the celebrated Auchterarder case. And submitting these simple facts, we would just ask any man of common sense, if the claim to such a right of interference,—no matter on what plea it is based,—is compatible with the free action of the Church in the ordination and settlement of ministers? Or what more could the civil courts do in the way of intruding into this department of the ecclesiastical province, except proceeding themselves to confer ordination?

*Second*.—It will be admitted again, that the suspension and deposition of ministers is a spiritual matter; there cannot be two opinions on this point. Well! in this purely spiritual department the civil courts have also interfered. They have interdicted a Presbytery from proceeding in the trial of a minister accused of fraud and swindling, as in the Stranraer case. They have interdicted another Presbytery from pronouncing sentence of deposition upon a minister found guilty of theft, by a judgment acquiesced in by himself, as in the Cambusnethan case. And they have suspended and set aside, and interdicted the execution of sentences of suspension and deposition, pro-

nounced by the Church judicatories in the name of the Lord Jesus Christ, upon ministers found guilty of various offences, subversive of the purity and independence of the Church, and in violation of their ordination vows;—thus reponing to a spiritual office, and usurping the "power of the keys;"—as in the several Strathbogie cases. And will any man gravely pretend that this is only dealing with civil interests? Or, that a claim to the right of such interference is compatible with the exclusive jurisdiction of the Church in all spiritual matters? Were it not for the effect which moral obliquity and the influence of a determination not to be convinced, has in blinding men's judgments, we should be loath to confide, even in the most trivial matter, to the judgment of a man who could coolly weigh the facts we have submitted, and yet make such assertions.

*Third.*—But further, it will be admitted, that the conferring of power to perform spiritual functions is also a spiritual matter. This is one of the powers committed to the Church by Christ himself, and is essential to her very existence. If a party without the Church may confer such power, then that party may change, at any moment, the relative position of the members and office-bearers of the Church, and reduce its government to a nullity. It seems scarcely possible to conceive that any civil court could be so infatuated, as deliberately to claim the right of conferring such power. Yet, what have the civil courts actually done in the third Auchterarder case? The Church, it is known, has conferred on Presbyteries the power of performing certain spiritual functions; but the civil courts found, in the case referred to, that the majority of the Presbytery of the bounds were determined not to become their submissive tools in the performance of these functions, but to obey, in accordance with their ordination vows, their ecclesiastical superiors; and, in these circumstances, they actually authorized the minority of the Presbytery, a body which possessed, according to the laws and constitution of the Church, no power in the matter, and which, at the same time, was acting in defiance of the superior ecclesiastical judicatories, to perform the functions proper to the Presbytery, and to proceed to the ordination and settlement of a minister. And yet, forsooth, we are to believe, that the civil courts respect the exclusive spiritual jurisdiction of the Church, that no fetters shackle her movements, and that she is "as great, glorious, and free as ever." We willingly leave those to believe this who can.

*Fourth.*—But further still, it will be admitted, that the determination of the composition of Church courts, or in other words, of the parties entitled to sit in such courts, and to perform the spiritual or ecclesiastical duties for which these courts are appointed, is a spiritual matter. As Presbyterians, we hold that Christ hath laid down rules and principles relative to this matter, by which the Church is bound to regulate her procedure. As Presbyterians, too, we hold that a close adherence to these rules and principles is inseparably identified with the well-being of the Church. Have the civil courts, then, respected the in-

dependence of the Church in this matter, and allowed her to obey, in relation to it, the mind of Christ? No; even here, again, by the help of the sweeping principle, to which we have referred, they have found a pretext for interfering. They have, for instance, declared that the ministers of *quoad sacra* parishes, who had been admitted to sit in Church courts by a solemn decision of the Church, had no right to sit there, and not only so, but they have set aside the decisions of such courts on the ground that a *quoad sacra* minister took part in the procedure. So far have they gone in this way, that in the well known case of Cambusnethan, they set aside, on this ground, a sentence of deposition from the office of the holy ministry, pronounced upon a minister convicted of theft.\* And again, interdicts without number, it is notorious, were issued before the meeting of the Assembly at which the disruption took place, prohibiting members chosen by Presbyteries from taking their seats, thus preventing, as far as the civil courts could do so, a free assembly chosen and convened according to the word of God. But, then, what of all this? it is said, the civil courts were only looking after civil interests, and the Church is still perfectly free. Strange notions of freedom some people must have!

\* One of the most miserable tricks to which the hard-pushed defender of a bad cause ever had recourse, is sometimes tried in reference to this Cambusnethan case. As the intelligent reader will see, it is brought forward to prove that the civil courts claim a right to interfere with the composition of Church courts, and the fact that the minister of Cambusnethan whose sentence of deposition was set aside on the ground of the pretended right to such interference, *was a thief*, is mentioned, not for the purpose of showing that either the civil courts or the Established Church had any special favor for thieves, but to show the monstrous results which flowed from the interference of the civil courts. But to serve a purpose, the mere reference to the fact is sometimes taken up by our opponents, as if it involved a charge of *partiality to thieves*, and a world of pathetic eloquence is thrown away in disproving it. The trick is a common one with culprits, who generally find it easier to answer a charge of their own devising, than the charge actually preferred by their accusers. It would be more to the purpose, were the friends of the Church of Scotland to show, that the party now dominant in that Church, are of a different spirit from those of the same party, whose long neglect of all discipline was as disgraceful as it was notorious.

A small attempt at argument,—more legitimate though not more successful than the trick above referred to,—is also sometimes made in dealing with the Cambusnethan case, by representing the appeal of the convicted thief to the civil courts, as similar to the challenging of a jury in a criminal court, and the interference of the civil courts with the Presbytery which deposed him, as similar to the action of the judges in such a court in allowing the challenge, and constituting the jury in accordance with the law! We need scarcely point out to any one capable of understanding an argument, the palpable sophism involved in this comparison. We have, indeed, heard of bearded men running about with it, and boasting of it as conclusive; but these must be very few. Why! the very question at issue is, what right had the civil courts to treat the Presbytery as a jury, or to interfere with the decision of a spiritual court in a matter purely spiritual? Our argument is, that in all matters spiritual, the courts of the Church have jurisdiction co-ordinate with that which the civil courts have in matters civil,—and that, in interfering, either to regulate their composition, or to set aside their judgments, the civil courts intruded into a province with which they had nothing to do. Their province, we hold, was either to give or withhold, as they saw fit, civil effect to the decisions of the Church; but beyond that they had no right to go. And what our opponents have to prove, is the right of the civil courts to interfere as they did. So that this appeal for the thief's right to challenge his jury, and to be tried according to law, resolves itself into as barefaced and silly a *begging of the question*, as was ever attempted under the pretence of argument.

*Fifth.*—But yet again, it will not be questioned, that the extension of parochial superintendence over the members of the Church is a spiritual matter, and as such, within the province of the Church. If it is the business of every Church to provide for the religious instruction, and to watch over the spiritual interests of all her members, it is the special business of a Presbyterian Church to extend to all her members the benefits of that parochial superintendence by means of regularly constituted kirk-sessions, which is justly held by all true-hearted Presbyterians to be one of the special excellencies of the Scriptural form of Church government, by which they hold. The interference of a secular court with the free action of the Church, in this department of her duty, is plainly incompatible both with her independence and her efficiency. But what have the civil courts in Scotland done in this matter? You are, doubtless, aware, that the Church,—after the ascendancy of the Moderate party had ceased,—had admitted the ministers of Chapels of ease to sit in Church courts, from which, according to the principles of Presbyterianism, they ought never have been excluded, assigned to them parishes *quoad sacra* (i. e., for ecclesiastical purposes, as distinct from civil, with which the Church did not pretend to interfere), and appointed kirk sessions to co-operate with them in their oversight of these parishes; and that the result of this full and faithful carrying out of pure Presbyterian principles was, that within a few years, upwards of two hundred Churches were built by voluntary contribution,—more than three times the number which had been erected during the century preceding. But, by their decision in the Stewarton case, the whole action of the Church, which led to such splendid and memorable results, has been set aside by the civil courts; the ministers of *quoad sacra* parishes have been thrust out of the Church courts; their parishes have been declared to be no parishes; their kirk-sessions have been destroyed; the Church has been declared incapable of extending to her people, except under the control and at the good pleasure of the civil power, the benefits of parochial superintendence; and the civil courts having taken away the advantages on the faith of which the *quoad sacra* churches were erected, are now, at the suit of the establishment, employed in wresting these Churches from those who built them. And yet, in the face of these damning facts, learned doctors run up and down the country crying, “Peace, peace;” and tell us gravely, “Sirs, the civil courts have done nothing amiss, and the Church is perfectly free.” TRULY!\*

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\* It may be well to append here the interdict issued in the Stewarton case, as a specimen of the decisions given by the civil courts. The very terms of it will make plain to every intelligent reader, the gross and undisguised interference of these courts with things purely spiritual. The Stewarton case, too, it may be well to remark, had nothing whatever to do with the Veto Law:—

“Interdict the Presbytery from proceeding, in any way or manner, dividing the said parish of Stewarton, and placing the same under the *pastoral superintendence* of the said Rev. James Clelland, or any other person; and from con-

*Sixth.*—But lastly, it will be at once conceded, that the preaching of the Gospel is a spiritual matter; and that the Church which is so bound by the State, that she may be prohibited from preaching the Gospel to any individual, or throughout any parish included within her pale, has been stripped of one of her most essential rights. Woe to that Church which preaches or refrains from preaching at the bidding of any secular power! Yet, even this right, of the unrestricted preaching of the Gospel, the civil courts have taken from the Church of Scotland. They have interdicted, as in the well known Strathbogie cases, ministers appointed to the duty by the Church, from preaching within the bounds of whole parishes,—not merely interdicting them from preaching in the Churches, or the school-houses, or other properties under their control,—their legal right to exclude from which no one has ever questioned,—but from preaching in houses which their proprietors were willing to grant for the purpose, on the hill-side, or by the highway. And, although these interdicts were fearlessly set aside by those who contended so nobly for the Crown rights of the Redeemer, the right of issuing such interdicts is still asserted by the same courts. And still, nevertheless, the civil courts have advanced no claims to Erastian supremacy, and the Church is perfectly free! The reverend deputies from the Established Church told you how freely they were allowed to preach the Gospel in their parishes, and what special protection they enjoyed from the civil courts in doing so; and one of them waxed eloquent, it seems, in telling you how boldly he could preach the Gospel even within sight of the palace of the archpersecutor, the Duke of Buccleuch,—and sure you think they are learned, pious and honorable men. But how, we ask, do their boastings tally with the simple and notorious facts to which we have referred? We appeal to your common sense. The captive, as he moves about at will, *within the limits assigned him*, may call *this* freedom, but he is a captive still. The indulged and favored slave, who may do everything, *but what his master interposes to forbid*, may tell you that he sighs for no higher freedom, but you do not reckon him on that account less truly a slave. During the discussions which preceded the abolition of slavery in the West India Islands, there were crouching and ignoble spirits who opposed that glorious measure, on the plea that the slaves of the West Indies were *as free* and *as happy* as the working classes of Britain. “True,” they said, “they have to work at certain hours for their masters; but so have the tradesmen of Britain, or else die of starvation; but when their work is over for the day, they have no more to care for, their masters provide for all their wants, and you will find them as free and as happy, nay, often freer and happier, by far, than any

*stituting a new and separate kirk-session, having jurisdiction and discipline over the proposed new parish; and from connecting the said new parish with the Church and congregation of the said Rev. J. Clelland; and, generally, from innovating upon the present parochial state of the parish of Stewarton, as regards pastoral superintendence by its kirk-session, and jurisdiction or discipline thereto belonging.”*

white slave in Britain." It must surely be on some such principle, as that on which these now despised and forgotten defenders of slavery reasoned, that any man aware of what the civil courts have done, can now maintain, that the Church of Scotland is still *perfectly free*.

Such, then, are the claims to a right of interference with the spiritual affairs of the Church which have been advanced by the civil courts, and of which the recorded decisions of these courts are the unquestionable evidence; and no one, we venture to say, can calmly consider the nature or extent of these claims, without seeing that they are utterly incompatible with the spiritual independence of the Church.

But, perhaps, you are one of those who admit that these claims are incompatible with the freedom of the Church, but who, notwithstanding the notorious facts to which we have appealed, cannot bring themselves to believe that such claims have actually been advanced. We have not unfrequently been amused at the pertinacity with which some can stand out against the clearest evidence, and at the frivolous grounds on which they will persist in believing that the civil courts cannot have done anything so wicked as we have alleged against them. The judges who sit in these courts,—it is sometimes said, when everything like argument has failed,—are high-minded, honorable men, and nothing will make us believe that they could be capable of what you affirm. It may be that you are standing out upon this ground. We shall now, therefore, cite some of those *high-minded, honorable* men as witnesses, and prove out of their own lips that we have not misrepresented them, and that they *did* advance claims, and *did* give their decisions on principles, directly and *designedly* opposed to the independence of the Church of Scotland. They surely knew what they were about, and what was the design, and what would be the effect of their decisions, as well as the reverend deputies who were lately among you. 'Twould be rather a new mode of expounding *the law*, to quote the assertions of the ministers of the Establishment with respect to the decisions of the civil courts, as a better interpretation of the meaning and design of these decisions, than the statement of the judges who gave them. The evidence thus furnished we shall at the same time confirm, by the opinions of some of the really upright and honorable judges, who were opposed to the views put forth, and the decisions given, by the majority,—and who, also, surely knew as well as any deputies, or any members of the establishment, what their brethren on the bench were really doing. Here, then, these unexceptionable witnesses.

Among the judges opposed to the independence of the Church,—a majority of whom, including the four whose opinions we are now to quote, were Moderate elders of the establishment,—the Lord President (Hope) thus scouted the doctrine of Christ's Headship over the Church, which we have shown the State had



recognised as determining the constitution of the Church when she was established,—and asserted, at the same time, the opposite doctrine, that the Church was the mere creature of the civil power :—

“That our Saviour is the Head of the Kirk of Scotland in any *temporal* or *legislative* or *judicial* sense, is a position, which I can dignify by no other name, than absurdity. THE PARLIAMENT is the temporal head of the Church, from whose acts, and from whose acts alone, it exists as the *national* Church, and from which alone it derives all its powers.”

The Lord Justice Clerk, while Dean of Faculty, also denounced, in the following terms, the same doctrine of Christ's Headship, and propounded the gross Erastianism, which he afterwards carried with him to the Bench :—

“The question I advert to involves the claim of Divine Right—of a power to legislate and regulate as bestowed on the Church by its great spiritual Head, and inalienable as in a pre-eminent manner derived from the authority, and accompanied by the blessing, of God. This, my Lords, is the most pernicious error by which the blessed truths of Christianity can be perverted, and its influence on the Social System blighted and destroyed.” \* \* \* “When one has to consider the powers and authority of a national Church established by statute, the true question, and the simple question is, to what extent has *statute* entrusted to that Church any authority or power, *either in spiritual or ecclesiastical matters* ! The question is *not one of divine right, or spiritual authority, or Scriptural truth*. It is a question of law, of dry law, depending on the construction of statutes, and the force of precedents.” \* \* \* “When a particular religious persuasion or association is to be made a National Church, it depends wholly on the will of the State what authority it shall possess on any matter whatever (*be it civil, or be it ecclesiastical,—be it doctrinal or spiritual*), on which the State chooses to give directions, or for which to make provision.”

Lord Gillies again announced it as his opinion, that the Church stood to the civil courts in the same relation as a mere corporation, and rated its powers no higher than those of such a body :—

“Here, again, it is said that the General Assembly is a legislative body. So is every corporation. Thus, its power is *just that of making bye-laws*,—a *privilege* (properly speaking) of corporations. Every corporation has privileges. The power of making bye-laws is one of its privileges. Its laws are perfectly good, if they are completely consistent with the laws of the land, and do not interfere with civil rights,—but good for nothing, if inconsistent in any degree with either. Good also, if *ratified by Parliament*—as are the bye-laws of the town of Edinburgh, and other corporations.”

And Lord Meadowbank, in terms no less explicit, avowed that he held the Church to be the mere creature of the law, and subject to the control of the civil courts :—

“Holding the Church to be but *the creature of the law*, and that every power which it possesses is derived from the law, it must follow as a necessary consequence, that if those powers of regulating its own affairs, which it has *nick-named a power of legislation*, are exceeded, the Church, like every other body of temporal creation, must, in the exercise of its temporal powers, whether of adjudication, or alleged legislation, be subject to the control of the civil magistrate represented by your Lordships.”

The same judge revealed, in the following significant statement, the *animus* with which his judgments were given, justifying fully the remark, that the law dispensed from the Bench on the Church question, was not law purged of passion, but law prompted and inflamed by the angry zeal of partizanship :—

“I firmly believe, that the power of Dr. Robertson and others had its origin in those more enlightened views of the true rights and privileges of the Church, which gradually developed themselves, from before the middle of the eighteenth

century, in the proceedings of the General Assembly, in opposition to the *enthusiastic and bigotted notions* prevailing in some sections of the Church, and which had been handed down to them *from the days of Melville*, though rejected by the legislature in the statute 1592,—which again burst out at the time when the Secession took place about 1736, and carried off the more strenuous adherents of these *antiquated pretensions*, which were destined to remain in abeyance till the *enlightened days* of the year 1834.”

The Melville thus spoken of, be it remembered, is the celebrated Andrew Melville, whose memory will ever be enshrined in the heart of every true friend of the liberty and independence of the Church of Christ;—the Dr. Robertson, on the other hand, is the Principal,—celebrated in another way,—who was so long the leader of the *Moderate* party in the General Assembly, the first principle of whose administration, as stated by Dugald Stewart, his biographer, “was a steady and uniform support of the law of Patronage;” and under whose leadership, so many heartless atrocities in the form of forced settlements, were perpetrated. Further comment is unnecessary.\*

But, perhaps, a still clearer view of the truth of all that we have alleged, respecting the claims advanced by the civil courts is to be found in the terms in which the respected judges in the minority remonstrated against the decisions which were given by their brethren. The sentiments above quoted, were spoken in connection with the first Auchterarder case,—the first of these cases in which decisions, subversive of the independence of the Church, were given,—in after cases, the hostile judges seemed to have thought it as expedient to *say less*, but to *do more*, in favour of Erastianism. But as decision after decision was given against the liberty of the Church, the minority supplied, by their remonstrances, a commentary sufficiently explicit upon the principles on which these decisions were given, and language was uttered from the Bench as strong as any which this pamphlet contains.

In the first Auchterarder case, Lord Jeffery thus expressed himself respecting the claim of the presentee, in favour of which the court decided:—

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\* The extracts above given, as illustrative of the *principles* of the Judges opposed to the independence of the Church, are from the *authorised* report of the Auchterarder case. In connection with them, it may be instructive to subjoin here the following extract from a speech by Dr. Chalmers, delivered in Glasgow before the disruption, as illustrative of the *actings* of the enemies of the same independence. The principles of the one, and the actings of the other, will be found to be in admirable harmony:—

“I know a little of the vile process of tampering with the integrity of ministers that will go on under that system. I know already what has been the practice of patrons. I have seen a formula presented first to one of our probationers, then to another, then to a third, then to a fourth,—that you shall get this presentation if you subscribe to this formula, by which you engage, that whenever the civil and ecclesiastical courts come into collision, you will obey the civil and disobey the ecclesiastical authority. That I have seen with my own eyes; I traced it through four probationers, who all manfully rejected the proposal. What became of it afterwards I know not. Certain, it is that a presentee did get the living, but by that time it had become a work of darkness, and I could trace it no farther.”



"What is asked for this presentee, is *full admission* to the office of the ministry, and nothing else. I, for my part, think, the whole of the proceedings, after sustaining the presentation, are properly ecclesiastical: but at all events it is clear, the concluding and most important part of them, is purely so. And if that cannot be dispensed with, *and is distinctly required by the pursuer*, how can we possibly discern the Presbytery to admit, *without intruding, in the most flagrant manner almost that can be imagined, on their sacred and peculiar province!* It would be but a little greater profanation, if we were asked to order a Church court to admit a party to the communion table, whom they had repelled from it *on religious grounds*; because he had satisfied us that he was prejudiced in the exercise of his civil rights by the exclusion."

In the Stewarton case, Lord Moncrieff, after remarking that all he had learned of law from his earliest years, told him that the Church of Scotland, as finally established by the Union, possessed, by its various courts, powers and jurisdiction, both judicial and legislative, in all matters ecclesiastical which might be brought before them; that that power was absolutely independent of any other courts, and such as no civil court created by statute for other ends could touch or control, goes on to say:—

That this power was fundamental and inherent in the constitution of the kingdom, and that it had been rendered, by a series of statutes, more unambiguous than the laws had defined any other jurisdiction in the kingdom. He did not mean that the powers of the Church courts so much depended on the words of statutes that nothing could be done but what was in those words; he only spoke of the general principle, *that there was, by the constitution, such jurisdiction in all matters ecclesiastical, vested in the Presbyterian Church*, and though he (Lord Moncrieff) was well aware that its privileges at various times had been opposed by different classes of the community, and still might be very distasteful to some persons, he must say that he never heard it denied till the discussions of the present day arose that such was the case. If, said he, in the face of the letter and spirit of the statutes, there was found to be no exclusive jurisdiction, *he could only express his protest against a principle which tended to results he trembled to contemplate.*"

In the same case, Lord Cockburn thus also expressed himself:—

"That if the principle were well founded that the Court of Session could always enter the Church courts, and control their acts when they appeared to them (the Court Session) to be illegal, *the result would be that the Church would have no independence.* The suspenders did not concede to the Church *exclusive jurisdiction* in what he (Lord Cockburn) regarded as its *most spiritual feature.*"

In the third Auchterarder case, Lord Ivory did not hesitate to use the following language:—

"It is, indeed, lamentable to look upon the shape which these questions are now assuming. Step by step it has come to this, that there is absolutely *no one proceeding, however exclusively ecclesiastical in its own character* it used to be considered, in which the civil court is not asked to interfere. It has been called upon to interdict Church censures, to prevent the execution of sentences of suspension and deprivation—in M'Queen's and other cases, interference, more or less direct, has been sought, in regard to excommunication, and refusal of tokens for admission to the sacrament; and now it is asked, that the court shall suspend the majority of a Presbytery from the exercise of their whole ecclesiastical functions, *and set up the minority to perform these functions in their stead.* If this be within the power of the court, I really see no reason why it should not take upon itself at once, and directly, to adjudicate upon the collation and deprivation of ministers, as in any ordinary civil matter."

And in the same case, Lord Moncrieff also thus strongly and indignantly gave expression to his opinions:—

"This amounts to the farther assumption by this court, of the power of *ordaining to the holy ministry* through the intervention of persons (the minority

of the Auchterarder Presbytery), who by the very showing of the demand itself, do not constitute a presbytery at all. If this be competent, *I know not what is incompetent, or what shred of spiritual independence is left, in the courts of the Established Church of Scotland.*"

A word of remark on these quotations would be superfluous!

But, we have said that the claims advanced by the civil courts have been sanctioned by the Legislature; and, in showing this, as we are now to do, we shall be able, still further, to establish the correctness of all that we have asserted respecting the nature and extent of these claims, and to prove, at the same time that, in the position in which the Establishment now stands, these may be enforced against her whenever the civil courts see fit; or, in other words, that the condition on which she is now established by the State, is *her complete subjection, as a mere creature of the Statute, to the civil power.*

By the appeal of the Church to the Legislature, against the encroachments on her independence, made by the civil courts, the question between these courts and the Church was brought, in the Providence of God, to a very simple and intelligible issue. Freed from the complexity in which it had before been involved, it stood forth palpable to every understanding, as the plain and definite question,—shall the civil courts be allowed to enforce *certain specified claims* against the Church, and to give, in ecclesiastical matters, *certain specified decisions*? All ambiguity, both as to the rights which the Church asserted to belong to her in virtue of her Scriptural constitution, recognised and sanctioned by the State, and as to the nature and extent of the claims to a right of interference with her procedure, on the part of the civil courts, to which she objected, was completely removed; and both were so distinctly and fully defined that no room was left for further dispute about the import and meaning of the question at issue. And when the Legislature refused to entertain the appeal of the Church, and, by that refusal, sanctioned the claims and the decisions against which the appeal was made, the exact relation in which the Church stood to the civil courts, was brought out as clearly as it possibly could be, and the terms on which the Church could alone continue to be established, were defined as explicitly, as if a new act had been passed, establishing the Church. Let us refer, then, to the terms in which the appeal of the Church was made, and to the explanations given by those who took the lead in directing the decision of the Legislature, as to what they intended by that decision, and see if what we have stated as to the sanction given by the Legislature to the claims of the civil courts, is not fully justified.

In 1842, while the encroachments of the civil courts were in progress, but before they had been carried the whole length which they afterwards reached, the General Assembly adopted the celebrated "Claim of Right;" or, "Claim, Declaration, and Protest anent the Encroachments of the Court of Session," setting forth in detail the constitutional principles of the Church,

concerning the Headship of Christ, and the inherent liberty and exclusive jurisdiction which flow from that Headship,—along with the national guarantees by which these were sanctioned; the various encroachments on her rights and privileges, by the civil courts, of which she complained; the impossibility of her submitting, consistently with her duty to Christ, to these encroachments and to the claim to supremacy in virtue of which they had been made; and, lastly, the necessity under which, if redress were refused, she would be placed, of withdrawing from connection with the State. And this solemn deed was at the same time submitted to the consideration of Government, by an address to Her Majesty the Queen, entrusted to the Lord High Commissioner. In November, 1842, after further encroachments had been made by the civil courts, and after, in particular, the decision in the Auchterarder case had been given in the House of Lords, the Commission of Assembly presented a Memorial to the Government, again calling their attention to the "Claim of Right," and representing the new encroachments upon their rights of which the Church complained. In the same month, the celebrated convocation of about five hundred ministers, which met in Edinburgh, issued a Memorial to Government, still further setting forth the position of the Church in relation to the civil courts, and announcing the resolutions to withdraw from connection with the State unless redress were granted, to which the members of the Convocation had come. And again, in January, 1843, the Extraordinary Commission issued a Petition to Parliament, embracing the substance of the documents on the same subject previously issued by the Church, and praying the Legislature to interpose and provide a remedy.

In these various documents, the rights asserted by the Church, and the claims advanced by the civil courts, were *over and over* defined, and a few brief extracts (which is all that the limits within which we wish to confine ourselves will allow) from the first and the last of them,—the "Claim of Right" and "Petition to Parliament,"—will show explicitly that what the Church contended for, was the right of exclusive *spiritual* jurisdiction,—or, the right, in other words, of regulating and deciding upon *all purely spiritual matters*, according to her own conscientious convictions of what the laws which Christ had given for her guidance required; that the encroachments of the civil courts against which she sought redress and protection, were encroachments into this *purely spiritual province*; and that the remedy which she sought from the Legislature, was such an acknowledgment of her exclusive *spiritual* jurisdiction, as should prevent the civil courts from enforcing the claims which they had advanced to a right of coercing the Church in the exercise of her *spiritual* functions, and of reducing and setting aside her *spiritual* sentences.

Thus, with respect to the right of exclusive jurisdiction for which the Church contended, we have, in the following para]

graphs from the "Claim of Right," defining the nature and extent of the jurisdiction which she claimed, an explicit declaration that it was jurisdiction in *matters spiritual* :—

"AND WHEREAS, according to the said Confession, and to the other standards of the Church, and agreeably to the Word of God, this government of the Church, thus appointed by the Lord Jesus, in the hand of Church officers, distinct from the civil magistrate, or supreme power of the State, and flowing directly from the Head of the Church to the office-bearers thereof, to the exclusion of the civil magistrate, comprehends, as the objects of it, the preaching of the Word, administration of the sacraments, correction of manners, the admission of the office-bearers to their offices, their suspension and deprivation therefrom, the infliction and removal of Church censures, and, generally, the whole 'power of the keys,' which, by said Confession, is declared, in conformity with Scripture, to have been 'committed' to Church officers, and which, as well as the preaching of the Word and the administration of the sacraments, it is likewise thereby declared, that 'the civil magistrate may not assume to himself.'

"AND WHEREAS this jurisdiction and government *since it regards only spiritual condition, rights, and privileges*, doth not interfere with the jurisdiction of secular tribunals, whose determination as to all temporalities conferred by the State upon the Church, and as to all civil consequences attached by law to the decisions of Church courts in matters spiritual, this Church hath ever admitted and doth admit, to be exclusive and ultimate, and she hath ever given and inculcated explicit obedience thereto."

Thus, again, with respect to the encroachments of the civil courts complained of, we find in the "Claim of Right" the following statements, plainly showing that what was complained of in these encroachments, was that they affected the *spiritual* province of the Church, and took away her *spiritual independence* :—

"AND WHEREAS, the Court of Session,—a tribunal instituted by special act of Parliament for the specific and limited purpose of 'doing and administration of justice in all *civil actions*,' with judges appointed simply 'to sit and decide upon all *actions civil*,'—not confining themselves to the determination of 'civil actions,'—to the withholding of civil consequences from sentences of the Church courts, which, in their judgment, were not warranted by the statutes recognizing the jurisdiction of these courts,—to the enforcing of the provision of the act 1592, c. 117, for retention of the fruits of the benefice in case of wrongful refusal to admit a presentee, or the giving of other civil redress for any civil injury held by them to have been wrongfully sustained in consequence thereof,—have, in numerous and repeated instances, stepped beyond the province allotted to them by the constitution, and within which alone their decisions can be held to declare the law, or to have the force of the law, deciding not only 'actions civil,' but '*causes spiritual and ecclesiastical*,'—and that, too, even where these had no connection with the exercise of the right of Patronage,—and have invaded the jurisdiction, and encroached upon the *spiritual privileges* of the courts of this Church, in violation of the constitution of the country—in defiance of the statutes above mentioned, and in contempt of the laws of this kingdom: as for instance—

By, &c., \* \* \* \* \*

"By all which acts the said Court of Session have invaded the jurisdiction of the courts of the Church—have subverted its government—have illegally attempted to coerce Church courts in the exercise of their *purely spiritual functions*—have usurped the 'power of the keys'—have wrongfully acclaimed, as the subjects of their civil jurisdiction, to be regulated by their decrees, ordination of laymen to the office of the holy ministry, admission to the cure of souls, Church censures, the preaching of the Word, and the administration of the sacraments—and have employed the means entrusted to them for enforcing submission to their lawful authority, in compelling submission to that which they have usurped,—in opposition to the doctrines of God's Word set forth in the Confession of Faith, as ratified by statute—in violation of the constitution—in breach of the Treaty of Union, and in disregard of diverse express enactments of the Legislature."

"AND WHEREAS farther encroachments are threatened on the government and discipline of the Church."

To the same effect also, we find the following statements in the Petition to Parliament:—

"That of late that court, no longer confining itself to the disposal of civil rights and the decision of causes appropriated to its exclusive jurisdiction, has for the first time since its institution, interfered with and reviewed the sentences of the Church courts, in matters confessedly within the province of the Church." \* \* "That the interference of the said court has not, however, been confined to enforcing the admission of a patron's presentee, when rejected in respect of the dissent of the people, but has been extended to almost all the various matters set forth in the statutes hereinbefore recited as belonging to the exclusive jurisdiction of the Church, such as the 'preaching of the Word,' administration of the Sacraments,' 'correction of manners,' 'collation and deprivation of ministers,' and other matters falling within the 'government of the Church,' and the 'putting order to all matters and causes ecclesiastical';—suspending such sentences, and interdicting their execution,—restoring suspended and deposed ministers to their functions,—prohibiting the preaching of the Word and administration of sacraments throughout whole districts,—staying and paralysing the discipline of the Church, and subverting its government." \* \* \* "That by these and the former decisions of the said courts, nearly the whole province of the Church's jurisdiction has been invaded, and scarcely one function is left to be performed by her courts free from interference and coercion."

And, lastly, with respect to the remedy sought from the Legislature, the following quotations from the "Claim" and the "Petition" will make it manifest that that remedy was just what we have stated, protection from the claims of the civil courts to a right of coercing or setting aside the action of the Church in purely spiritual matters:—

"THEREFORE, the General Assembly, while, as above set forth, they fully recognise the absolute jurisdiction of the civil courts in relation to all matters whatsoever of a civil nature, and especially in relation to all temporalities conferred by the State upon the Church, and the civil consequences attached by law to the decisions, in matters spiritual of the Church courts—DO, in the name and on behalf of this Church, and of the nation and people of Scotland, and under the sanction of the several statutes, and the Treaty of Union hereinbefore recited, CLAIM as of RIGHT, that she shall freely possess and enjoy her liberties, government, discipline, rights and privileges, according to law, especially for the defence of the *spiritual* liberties of her people, and that she shall be protected therein from the foresaid unconstitutional and illegal encroachments of the said Court of Session, and her people secured in their Christian and constitutional rights and liberties."

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"Your petitioners therefore pray, that it may please your Honorable House to take the premises into your serious and favorable consideration, together with the Claim, Declaration, and Protest, above mentioned and hereunto appended, and thereupon to adopt such measures as to your Honorable House may seem meet, to secure the judicatories of the Church of Scotland and members thereof from coercion and interference, in regulating and disposing of the said several matters above recited, and to protect the sentences of the Church as to these matters from being reduced or suspended, or the execution thereof interdicted, as to their effects in respect of *spiritual and ecclesiastical status, functions, and privileges*:—not interfering with, however, nor encroaching upon, the undoubted power and jurisdiction belonging to the civil courts absolutely and exclusively to determine in what circumstances, and to what extent, civil consequences,—as to the possession of the temporalities and civil rights attached to ministerial charges within Scotland,—do, according to law, follow upon such sentences in any particular case; and how far civil aid shall be allowed for carrying them into effect.

Such was the simple form, such the plain and explicit terms in which the *question* between the Church and the civil courts, was brought before the Legislature; and even had it not been so luminously explained, nor the rights of the Church so power-

fully enforced within the walls of Parliament, when the motion "that the House resolve itself into a Committee to enquire into the Claim of Right" was brought forward by the Hon. Fox Maule, and when the exact position in which the Church stood, and the nature and grounds of the claim with which she came before the Legislature, were fully unfolded in the able speeches of the honorable mover, of Mr. Rutherford, confessedly one of the first lawyers at the Scottish bar, and of other enlightened and disinterested friends of the Church, it is plain that no member of the Legislature could have been ignorant of the fact, that what they were called on to decide was,—shall the claim of the civil courts to *supremacy* over those in the Church in the exercise of their *SPIRITUAL FUNCTIONS* be allowed,—shall the demand of the Church to be protected against the exercise of the jurisdiction in regard to *SPIRITUAL MATTERS*, thus claimed, be refused,—and shall it now be understood, that the terms on which alone the Church can enjoy the benefits of establishment, are *her entire submission to the supremacy of the civil power*. And when the Legislature deliberately refused to examine into the Church's "Claim of Right," or to take a single step to grant to the Church the redress and protection which she sought, the decision thus come to, was as express a sanctioning of the claims put forth by the civil courts as it was possible in the circumstances to give, and a no less explicit announcement to the Church, that if she was to continue in her position as an Establishment, she must in things spiritual, as well as things civil, be *subject to the civil power*.\*

That any man can calmly examine the Church's "Claim of Right," and the decision of the Legislature regarding it, and come to any other conclusion, we believe to be impossible; and the lying assertions which are sometimes made on the subject, as if what the Church claimed, and what the Legislature refused, was independence, not in things spiritual, but in things civil, can impose only upon those who are as ignorant and gullible, as the parties who make such assertions seem generally to assume the people of Canada to be. But, to take even from ignorance and gullibility the shadow of an excuse for misapprehension in the matter, we shall give the meaning and intention of the Legislature in the decision on the Church's "Claim of Right," as put into plain and intelligible language by Her Majesty's Prime Minister, Sir Robert Peel. In the debate which took place in Parliament, on the motion of Mr. Maule, there was no silly attempt made to prove to the Church that the civil courts were not intruding into the *ecclesiastical province*, and as little was it attempted to be denied that the Church had come before them with a claim to *spiritual independence*; and so plain and

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\* It may be well to state here, that the refusal in Parliament to enquire into the "Claim of Right," was carried by the votes of *English members*,—who seem to have thought that the Erastianism which existed in the Church of England must exist in the Church of Scotland also. A majority of the representatives from Scotland voted in favor of the enquiry.



unmistakable in consequence was felt to be the design and effect of the decision in which that debate resulted, that a general feeling of gratitude to God was expressed among the friends of Free Church principles, that the course of duty had been rendered so clear. The following sentiments, so well expressed by Dr. Gordon, in referring to that debate, were generally sympathised in :—

"It is now the unquestionable law of the land, that the civil courts have supremacy in matters spiritual. It is now the law of the land, that I, as a minister of the Gospel, if I abide in the Establishment, must give my consent to this principle." \* \* \* "Amidst all the alarming prospects that are before me, I draw great comfort from this consideration, that hitherto, up to the present hour, through the good Providence of God, our path has been made very plain. Entanglement after entanglement has been removed,—and it would seem that, if we do really hold the principles which we profess to hold, God has left us but one plain road to follow. And when I read the debate in the House of Commons, which you, Sir, so nobly and so ably opened, bitter as my disappointment was, and alarming as the prospects became, I felt that I could not withhold from the Government, and from the Legislature, my tribute of respect, for the clear, distinct, unequivocal, and manly way in which they gave me their answer. This is just another proof to me of the good Providence of God overruling this whole matter."

But the language of Sir Robert Peel must open the eyes even of the most skeptical. Declaring his own views, and those of Her Majesty's Government, and embodying also, as was felt at the time, the views commonly entertained by those by whom even enquiry into the Church's "Claim of Right" was refused, it is impossible for any man of common sense to read it, without seeing that the claims of the civil courts to a right of interference with the *spiritual affairs* of the Church have been explicitly sanctioned by the Legislature, and that the Church of Scotland is now established on conditions involving the loss of her *spiritual independence* :—

"I do not see that you can establish a Church, possessing all the emoluments of State endowment, without its submitting to *STRINGENT CONTROL on the part of the State*. I consider the State should exercise an influence in the appointments of the Church, and that, without such influence, there would be great injury from investing any form of faith with the endowments of an Establishment. *I think it of the greatest importance that the spiritual authority of the Church should be restrained, AS IT IS RESTRAINED, and made subordinate to Parliament.*"\*

Our opponents, however, have a last resource. Unable to evade the force of the evidence now adduced, they sometimes hazard the assertion that the bill of Lord Aberdeen has *put everything to rights*. That bill, they will tell you, has *restored* the spiritual independence of the Church, and put an end to the possibility of the civil courts intruding into the ecclesiastical province for the future,—and the Church has now substantially under that bill, all the freedom that need be desired. A very few words will sufficiently dispose of this absurdity.

The substance of the bill, in the matter to which it relates,—the position in which it leaves the Church in relation to the civil courts,—and the history of its enactment, all demonstrate

\* The above statement, made by Sir Robert Peel, in June, 1844, rests on the uncontradicted reports of the proceedings in Parliament.

that, instead of restoring the spiritual independence of the Church, it just rivets the chains, by which, as we have seen, the claims of the civil courts, sanctioned by the Imperial Legislature, had bound her.

1. The subject to which, and to which *alone*, the bill of Lord Aberdeen directly refers, is the settlement of ministers, and, in particular, the rights of the people in respect to such settlement, and on this subject it contains four provisions.

(1.) It requires, that when the people object to a presentee, their reasons shall be stated specifically to the Presbytery; thus placing the people in a delicate and invidious position towards the presentee, and one manifestly fitted to abridge their freedom in objecting. According to the bill, a people may be unanimously of opinion that a presentee is not fitted to promote their spiritual edification; but unless they are prepared to state and substantiate the reasons on which their opinion is grounded, they have no right to object.

(2.) It ties up the Church courts from rejecting a presentee on the ground even of an unanimous declaration by the people, that in their honest belief, he can neither be acceptable nor useful among them, expressly declaring that "*it shall not be lawful to reject a presentee upon the ground of any mere dissent or dislike, expressed by any part of the congregation of the parish to which he is presented,*" thus taking away in this matter, the liberties of the Church courts as well as of the Christian people.

(3.) Having abridged the liberties of the Church courts in regard to objections not specifically stated, it confers on these courts the power of judging of all specific objections when given, and of setting them aside, and proceeding in spite of them to intrude ministers on reclaiming congregations; thus with the view of favoring patrons and presentees, conferring on the Church courts the power of trampling on the rights and liberties of the people. A somewhat ludicrous issue this, to the opposition which was shown to the friends of Free Church principles, on the ground, that they were *grasping after power!*

(4.) And, lastly, it leaves the courts of the Church, in all the action which they may take, in the matter to which it refers, subject to the review and control of the civil courts; thus riveting, as we have said, the Erastian bondage of the Church. The correctness of this latter statement has been established in a way which leaves not even a peg on which scepticism might hang a doubt. If you might feel inclined to doubt *our* interpretation of the bill, you will surely not doubt *that of its originator*, whose name it bears, and *that of the Lord Chancellor*, under whose sanction and guidance it passed through the House of Lords. Lord Campbell, it seems, with the jealousy of a lawyer, desirous that no pretext whatever might be left to the Church for grounding upon the bill a claim to exemption from the interference of the civil courts, wished a clause to be inserted, enacting that "in



the event of a patron or presentee thinking himself injured by a judgment of the Church courts on his qualifications, they should have an appeal to the civil courts;" and his proposal was resisted by Lord Aberdeen and the Lord Chancellor, on the ground that it was *unnecessary*, and that the power of the civil courts would be *narrowed* instead of *confirmed* by such a clause:—

"There could be no doubt whatever," said Lord Aberdeen, "that any patron or presentee might, by action of declarator, bring his cause before the Court of Session, and have it found whether or not the Presbytery had exceeded their powers in the particular case,—whether they had acted within their competency as a judicatory of the Church, or had not. There was no possible reason for introducing these words (Lord Campbell's), as they would tend rather to narrow than to confirm this right."

"If," said the Lord Chancellor, "the Church courts did not conform to the Act, and exceeded the powers given to them, *the civil courts had a right to interfere*. It was quite unnecessary to enact anything of the kind. By so doing they would seem to throw a doubt on the subject; and if they did not take care to enact it in very full and ample terms, they would narrow the jurisdiction of the civil courts instead of maintaining it untouched."

2. After the statements just made, with respect to the control which the bill of Lord Aberdeen leaves to the civil courts in the settlement of ministers, it may seem almost superfluous to remark, that in all other matters, it leaves the Church in the same relation to the civil courts, in which she was left by the decision of Parliament on the "Claim of Right." As in the matter to which it directly refers, it leaves the Church under the control of the civil courts, and as it makes not even the remotest allusion to the freeing of the Church from such control in any other matter whatever, then, by plain and undoubted implication, it gives, as has been well expressed, "the sanction of law to all the recent decisions of the Court of Session, and to the principles on which they were based, thus reducing the ecclesiastical Establishment to the condition of a civil institute." It is plain that a more palpable absurdity was never invented, than the assertion that this bill restored or secured the spiritual independence of the Church.

3. But the very history of this bill furnishes, as we have intimated, evidence of the Erastian degradation to which the Church has been reduced, and which, instead of removing, it has only tended to deepen and confirm. It was introduced into Parliament, and carried through in a manner which clearly implied that Parliament asserted the right of legislating for the Church as they saw fit, and without even consulting the Church in the matter. It is well known that it was attempted to be passed as a *mere declaratory* bill, but that on meeting in that form, with the opposition of every law Lord in the House of Peers, but the Lord Chancellor, (Lords Cottenham and Campbell declaring, that if the law had been as the bill *declared*, the Auchterarder case had been wrongly decided), it was withdrawn, and brought in and passed as an *enactive* bill; the Legislature thus assuming a power over the Church, in virtue of which it might change at pleasure the whole constitution. It is notorious, too, that the bill was brought in by Lord Aberdeen and the Government who backed him, without the Church having

been so much as offered the opportunity of giving it her sanction. It is usual, in dealing with the most dependent civil institutes, to consult, to some extent at least, the views of those who are to be affected by what is proposed to be done, but so completely was the Church treated as the mere creature and tool of the State, that even this poor courtesy was denied her. Lord Aberdeen, with the help of some of the Judges, whose Erastianism we have recorded, first concocted laws for her guidance, and then Parliament forced them upon her, without even asking her advice or caring for her consent. They knew, it would seem, with whom they had to do!

So, then, stands the Church, under the bill of Lord Aberdeen. If any one is still disposed to boast of that bill as a new *Magna Charta* of the liberties of the Church, we willingly leave him to hug his idol.

*Third.*—ACTION OF THE CHURCH, IN REGARD TO THE CLAIMS TO ERASTIAN SUPREMACY, ADVANCED BY THE CIVIL COURTS. After the minute explanation which we have given of the claims to supremacy over the Church, advanced by the civil courts, and sanctioned by the Legislature, a very brief statement will be sufficient to establish our grand charge against the Church of Scotland, viz., that she has now, by her own action, become an Erastian Church, and practically denied Christ's sole Headship over her. Voluntarily, we shall find she has bowed her neck to the yoke imposed by the civil power;—nay! abjectly has she licked the dust at the feet of her oppressor. This, we are aware, is strong language; but it is not stronger than true. If you have followed what we have already advanced, you will find no difficulty in assenting to its truth; but we shall state explicitly the melancholy, and but too conclusive proof, on which our assertion rests.

1. First of all, by continuing to retain the benefits of establishment after the decision of the Legislature, sanctioning the Erastian claims of the civil courts, and by accepting the Erastian bill of Lord Aberdeen, the Church has agreed to accept and hold these benefits, on the condition of her submission to the *supremacy of the civil power in spiritual things*. When the decision of the Legislature on the "Claim of Right" was given, the Church was plainly reduced to the alternative, either of submitting to the law thus sanctioned, or of announcing that she could not continue to hold the property of the State on these terms, and giving up that property. Whatever had been the law before, it then became manifest that the law thus sanctioned was the law to be enforced upon her, and on the faith of her submission to which, the State alone consented to continue her endowments, and other advantages as an establishment,—and the alternatives of submission or resignation were thus as unequivocally set before her, as if the Legislature had announced them in so many words. You know how, in these circumstances, the true friends of the spiritual independence of the Church acted.

As one man, they declared that they could not barter, for all the State had to bestow, the blood-bought liberties of the Church of Christ, and that on the terms which the State now dictated, they could no longer continue to retain the benefits of establishment. With surpassing clearness and dignity they made this announcement in the memorable Protest which was given in on the day of the Disruption; and then, as honest men, they left the Establishment. And when those, who now constitute the Established Church, still clung to their stipends, and manse, and glebes, and passively submitted to all that the civil power had done, and even thanked Her Majesty for the letter in which she flatly told them, that the law, as it had been declared by the civil courts, must be "implicitly obeyed by the General Assembly," they just declared, as plainly as if they had said it to the Legislature in so many words, "We accept the terms which you are pleased to dictate, and promise a meek and dutiful submission to the civil courts in *all spiritual*, as well as civil matters, in which they are pleased to review our procedure, and to favor us with their commands." Submission could not have been more complete or more wilful. Had they lifted up a protest or even a remonstrance before submission, although it would not have freed them from the sin of Erastianism and the guilt of denying practically the Headship of Christ over the Church, it would at least have exhibited them as sinning rather under a pressure too strong for their virtue, than of their own free will; but by the manner in which they submitted to the encroachments of the civil power, they proved themselves to be wilful offenders, and have left their sin without the shadow of excuse.

2. But, secondly, the Established Church, since the disruption, has actually based her procedure, in some most *important spiritual* matters, on the principle that the civil courts are supreme in such matters, and that she is bound to be guided by their decisions regarding them. We shall mention, out of many, three memorable instances.

(1.) In the case of the Strathbogie ministers, to whose deposition we have referred, the General Assembly decided, that their deposition was *ab initio* null and void; and plainly on the ground that their deposition had been set aside by the civil courts. The decision of the Assembly was in these words:—

"That, whereas sentences of suspension and deposition from the office of the holy ministry were, in the years 1840-41, pronounced against the now deceased John Cruikshank, minister at Glass; William Allardyce, minister at Rhynie; William Mason, minister at Botriphine; James Walker, minister at Huntly; and James Alexander Cruikshank, minister at Mortlach—all in the Presbytery of Strathbogie; which sentences proceeded on incompetent grounds, and being void; the General Assembly do declare that the said ministers are still in possession of the General Assembly in excess of its jurisdiction were *ab initio* null and session of their ministerial state, rights and privileges, as if no such sentences had been pronounced; and that those of the said ministers, now surviving, have right to meet in Presbytery, and that the commission of the Presbytery referred to the Assembly ought to be sustained."

These men, you will remember, had been solemnly deposed previous to the disruption, in the name of the Lord Jesus

Christ; and, by this decision, they were declared *not to have been really deposed at all*, but, notwithstanding the sentences of deposition solemnly passed on them, to have still continued ministers of the Lord Jesus Christ. This was felt by a party in the Assembly to be going too far; they thought that sentences so solemnly passed, should be at least recognized, as sentences which would be valid, unless rescinded by the Assembly; and they proposed the following motion for the purpose of rescinding them:—

“That, whereas there are upon the records of this House sentences passed in the years 1840-41, against the Rev. Mr. Cowie and others, ministers of Strathbogie; and whereas the said sentences were unjust, and were passed by the General Assembly in excess of jurisdiction, the General Assembly do, therefore, *rescind the same*,” &c.

But the former motion, monstrous as it may appear, carried by a large majority.

Now, what is the plain import of this decision? 1st. It asserts that the sentences on the Strathbogie ministers were passed *on incompetent grounds*. But these grounds were, that they had set at defiance their ecclesiastical superiors, and appeared to the authority of the civil courts in spiritual matters—so that the very assertion that the grounds of these sentences were incompetent, implies a sanctioning of the supremacy of the civil courts in spiritual things. 2nd. It asserts that these sentences were passed *in excess of jurisdiction*. And here the abject Erastianism and servility of the decision specially appears. The language used does not, indeed, tell us on what principle the conclusion was come to, that jurisdiction had been exceeded; but, on whatever principle this conclusion was based, it implies that the Assembly held the doctrine,—and gave their decision on the doctrine,—that the civil courts were supreme over the Church, and that as such, they were entitled to define the limits of her jurisdiction, and not only so, but, where they alleged that she had exceeded her jurisdiction, to set aside sentences of deposition, passed by her in the name of the Lord Jesus Christ. For, whether we suppose that the Assembly held, that it was in excess of *jurisdiction conferred by Christ*, or merely in excess of *jurisdiction conferred by the civil power*, to depose from the office of the holy ministry, men who had appealed to the civil courts, as *supreme in spiritual matters*, the decision would, as we have alleged, in either case, substantially involve the same recognition of the supremacy of these courts,—the only difference being, that on the one principle they would be pleading Christ's authority for their Erastianism, and on the other, pleading the authority and the decisions of the civil courts.

But it is almost a waste of time to analyze the decision in this way. It is but too plain that the Assembly were prepared, on any principle, and at all hazards, to bring their decision into servile harmony with that of the civil courts. For, just suppose that the civil courts had decided that the sentences deposing these men, were *valid*,—and can any one suppose for a moment that the Assembly would, nevertheless, have declared them null and

void! Or, if so, what would have become of their great argument, "*obey the law?*" And in what position would such a decision have placed them? Why, plainly in the position of approving of the conduct of those who had appealed to the decision of the civil courts, and of condemning, and setting at defiance at the same time, the decision which these courts had given. There is no possible way, then, of evading the conclusion, that this monstrous decision proceeded on the principle, that the civil courts are supreme in the matter to which it referred, and that where they set aside a sentence of deposition pronounced in the name of the Lord Jesus Christ, it is therefore null and void.

(2.) Again, in the case of the *quoad sacra* parishes, to which we have also referred, the Established Church has held, that the decision of the civil courts as to these parishes, and the functions and powers of their ministers, and the exercise of parochial superintendence by the kirk-sessions which had been attached to them, must be implicitly complied with, and at the bidding of these courts she has extinguished these parishes, thrust their ministers out of the Church courts, and broken up and dissolved their kirk-sessions; thus sanctioning the unscriptural and Erastian doctrine, that it is the civil courts, not those of the Church, which are to form parishes, admit members to Church courts, institute kirk-sessions, and, in a word to provide for the extension, the government, and the parochial supervision of the Church in their most spiritual forms. The grounds on which the Establishment acted in breaking up the *quoad sacra* parishes, have been too openly avowed, to leave any room for questioning this melancholy statement.

(3.) But, again, in the case of the settlement of ministers, the Established Church has embraced, without question or scruple, the bill of Lord Aberdeen, which we have already described,—after having, at the bidding of the civil courts, declared the Veto Law null and void; thus, again, sanctioning and acting upon the doctrine, that what the civil courts or the Legislature declare to be law, no matter how spiritual the matter to which it refers, or how sacred the rights which it sets aside, that the Church is bound to receive as law, and to make the rule of her own procedure.

In the view of these cases, which we might easily have multiplied, we would put it to every friend of the liberties of the Church of Christ,—did ever Church consummate more deliberately and gratuitously, her own degradation?

8. Lastly, it will complete the view of the action of the Church in relation to the claims of the civil courts, which we deem it necessary to give, to remark, that while she is sitting down contented in her bondage, and not making a single effort to recover her freedom, she is all the while unable to find a plausible excuse for her conduct, or to get up an answer, of which she is not ashamed, to the charges of Erastianism, and of denying the

Headship of Christ, which have been brought against her,—and brought, not by those whom she might be entitled to overlook, but by those who were entitled to lay these charges publicly and formally on the table of her General Assembly.

To those of you who had an opportunity of listening to the flippant assertions and appeals of her deputies, who were lately in the Province, this may seem, at first sight, rather a bold assertion. You thought them perhaps, to say the least, *plausible*. Well! we shall state facts, and leave you to judge of them. It is one thing plausibly to evade the merits of a question, it is another thing to answer the solid facts and weighty arguments which that question really comprehends.

You are aware, that on the memorable day of the Disruption, a protest was given in to the Assembly by the Moderator, Dr. Welsh, as the organ of those who afterwards organized the Free Church, embodying, substantially, the statements respecting the claims of the civil courts, sanctioned by the Legislature, which we have been laying before you, and protesting against the destruction of the spiritual liberties of the Church, which had thus been effected, and effected in opposition to the doctrines of God's word, and the national guarantees by which the liberties of the Church were intended to be secured, and you will at once concede that it was due to the friends of the Establishment and essential to the credit of the Assembly, that that protest should be speedily answered. Here was a document of the most solemn and public kind, purporting to prove that the civil power had intruded into the ecclesiastical province, that the Establishment was Erastianised, and that no man could longer remain in it without denying the Headship of Christ; an answer,—a full one, and a satisfactory,—was plainly and imperatively called for. The members of the Establishment felt this, and attempts were made to prepare an answer. With what success, the following narrative, extracted for the main part, *verbatim*, from the authorised account of the proceedings of the Assembly and Commission, will show :—

"The Established Assembly took the Free Assembly's Protest into consideration on Wednesday, May 24; and finding that the said Protest abounds in statements which are altogether unwarranted, appointed a committee to draw up a FULL AND FORMAL ANSWER to the same, and to report to the Assembly on Saturday."

"On Saturday there was no report."

"On Monday, however, there was a report; and, besides the report, there were resolutions by the procurator; and there was also 'a draft of an answer, by Mr. Milne,—making three answers altogether; and the Assembly 'approved of the diligence of their committee, and record their obligations for the report now laid on the table, as also for the resolutions of the procurator, and the draft of an answer submitted by Mr. Milne, *without, however, pledging themselves to adopt all the views set forth in any of these documents*; but found that a paper so important as the Protest under consideration *requires to be answered with greater care, and with fuller leisure for mature deliberation*, than it has been found possible to give to it during the pressure of business which the Assembly have had to sustain; and also, that in questions involving important points of jurisdiction, the bearings of the various judgments which have been recently pronounced by the civil courts in the numerous cases that have arisen from the illegal maintenance, on the part of the Church, of the Act of Call and the Act



with reference to Parliamentary and *quoad sacra* Churches, should be very carefully and maturely considered. The General Assembly recommitted the whole case for the further consideration of their committee, and instructed them accordingly, to report in the whole case to the commission in August.' The Assembly, at the same time, enlarged their committee.

"At the Commission in August, 'the convener of the committee appointed by last General Assembly to answer the Protest then given in by certain ministers and elders, gave in a report by that committee. The Commission agreed to take up the consideration of this report at *their meeting to-morrow*.'

"On the morrow, no *quorum* appeared, and the Commission did not meet;—and the answer to the Protest was never heard of more."

Such has been the issue of every attempt to answer the Free Church Protest;—and whence this failure? There is but one intelligible explanation: the members of the Establishment feel, that IT CANNOT BE ANSWERED!

Having now proved the truth of our charge against the Established Church of Scotland, and shown you how she has bartered away her spiritual liberties to the civil power, and thus practically denied the sole Headship of Christ over His own Church, it now remains, that we show you, that it was the duty of the Synod in Canada to have dissolved connection with that sinning Church, and that, when she shrunk from the performance of this duty, and resolved to continue the connection, and thus to sanction the sin which the Church of Scotland had committed, and to encourage and strengthen her in her evil course, no alternative remained to us, but that which we have firmly, though with deep sorrow of heart, adopted.

## SIN OF THE SYNOD OF CANADA, IN CONNECTION WITH THE CHURCH OF SCOTLAND, IN CONTINUING THAT CONNECTION.

There are two arguments against the disruption, which seem to us to be chiefly relied on by the supporters of "the Synod of Canada, in connection with the Church of Scotland,"—at least by those of them who do not go the length of defending out and out the Church of Scotland, but who merely argue that there was no call for a disruption in Canada,—viz., that the Synod of Canada was not responsible for the sin of the Church of Scotland, with the commission of which she had nothing to do,—and again, that there were no practical grievances of which the Synod had to complain; but that, on the contrary, she was in the full enjoyment of all the freedom for which the Free Church was contending,—and from the use of these arguments we are led to believe, that there are two grand errors prevalent respecting the disruption in Canada, which it may be well at the outset of our



illustration of the part of the subject to which we have come, to advert to, and if possible to remove. The one is a misapprehension—as to the *ground* on which the disruption took place:—the other is a fallacy in principle, as to the legitimacy and sufficiency of that ground.

The misapprehension as to the ground of the disruption, to which we have referred, is one which, when distinctly stated, appears too gross even for the most confused intellect to fall into; and yet, from the frequency with which the first argument, or rather assertion, adverted to, is reiterated, it is impossible to avoid believing, that some, through confusion of intellect, are actually misled by it;—it is, that the ground of our separation from the Synod of Canada was simply that the Established Church of Scotland had sinned, and that a disruption had taken place in it,—as if we held the Synod to be directly responsible for the sin of that Church. We beg, therefore, to remark, that the ground of our separation was not the sin nor the disruption of the Church of Scotland, but *the sin of the Synod of Canada*. That sin, indeed, as we shall show, arose out of the sin of the Church of Scotland,—but it was *that sin* committed by the Synod herself, on which our action was based, and on which we hold that it can be triumphantly vindicated. The only ground, we believe, on which the members of a Church can lawfully renounce communion with that Church, is *the existence of sin*,—or, in other words, of unsoundness in her doctrines or in her practice. On the ground of her sin,—on the ground of her practical denial of the Headship of Christ,—the members of the Free Church left the Established Church of Scotland; on the ground of her sin,—*her own sin*,—in like manner we renounced communion with the Synod of Canada. And the solution of the question—“Was the disruption called for?” hinges mainly on the proof which we are now to adduce, and to which our discussion of the sin of the Church of Scotland was intended to be preparatory, of the sin committed by the Synod in connection with the Church of Scotland, and which, we hold, rendered our separation from that Synod *a duty*.

The fallacy in principle again to which we have referred, is that implied in the assumption on which the second argument adverted to,—viz., the absence of practical grievances in Canada,—is based. Those who use this argument plainly imply that *the sin* of a Church, apart from what they call practical grievances, can never warrant secession from that Church. When we allege that the sin committed by the Synod required us to secede, and when, in answer it is said to us—“Your secession was altogether uncalled for,—you had no practical grievances to complain of,—the courts of law in Canada never threatened to encroach into the ecclesiastical province of the Synod,—patronage was altogether unknown among us,—we had every thing, in fine, that the ministers and people of the Free Church wanted,—and why, then, rend our Church?”—when reasoning like this, we say, is employed by our opponents, it has

as you will observe, no meaning and no weight at all, unless it be first assumed, that except where practical grievances like those referred to exist, there can be no proper ground for seceding from a Church,—or in other words, that the *sin* of a Church alone cannot warrant secession.

If you do not hold this principle, then it is very clear you are shooting at the moon,—you are not looking at, much less dealing with, the ground on which we rest the vindication of our procedure,—in expatiating on the absence of practical grievances in Canada; you are merely making irrelevant assertions about what nobody denies. Suppose you heard some one telling his neighbour that he had seceded from the Church to which he once belonged, on the ground of her having fallen into vital errors in doctrine,—and suppose his neighbor to argue against the step which he had taken, by reminding him that the Church which he had left had never been enslaved by the State, and knew nothing of the evils of patronage, and, in a word was free from every kind of Erastian interference, would you not understand him to mean that the doctrinal errors, on the ground of which his seceding brother had justified his secession, were no valid grounds for such a step, and that so long as a Church remained free from the practical evils which he had enumerated, no valid ground for secession could exist. If he denied such to be his meaning, you would feel at once, that his whole argument had been altogether irrelevant and absurd.

Now, we would put it to you, do you really hold this principle? If a Church fall into Socinianism or Arminianism,—if she deny the sole Headship of Christ over her,—if she change her form of government from one which is scriptural to one which is unscriptural,—if she fraternise with, and encourage other Churches involved in fundamental errors, or if in any other way she became guilty of sin in matter vital and fundamental, is it really so that if only at the same time there be no interference with her from without, no practical grievances, such as those which forced on the disruption in Scotland, assailing her rulers or her people, that there exists no just cause for seceding from her communion. You cannot, we are sure, ponder the matter, without seeing that even where no practical evils of the kind referred to exist, there may be many, and these strong and valid reasons, why the communion of a Church should be renounced, by those who would be faithful to Christ and to his cause in the world. As we have already remarked, the only legitimate ground on which the members of a Church may secede from her, is *her sin*. But *that* may be a valid ground irrespective of all practical grievances. Such grievances may afflict a Church and yet, if dealt with in a right way, may involve her in no sin; and, at all events, it is never such grievances themselves, but only the sin that may be connected with them, that can furnish a valid ground for secession. While, on the other hand, if there be sin in matters vital and fundamental,—although there may be no practical grievances in existence, nay, although a Church may

enjoy the utmost outward freedom and prosperity which heart could desire,—secession has not only become lawful, but must be regarded as an imperative duty.

But, not only does the argument, that there were no practical grievances to complain of in Canada, involve a false principle, and leave the ground on which we justify our secession untouched, but from the fact on which it builds, we can draw an argument to strengthen our cause. The grievances which existed in Scotland,—the coercion which in so many forms was brought by the civil power to bear upon the Established Church, formed, undoubtedly, a temptation and a snare, and so far as strong temptation can be an excuse for sin, do furnish an excuse, and the only excuse which can be offered for the sin into which that Church fell. The fact on the other hand, that no such coercion,—that no *strong* temptation of any kind was pressing on the Synod of Canada when she committed the sin which led to the disruption (and which we are now to prove against her),—only goes to show, that her sin was more wilful, deliberate, gratuitous, and, therefore, more inexcusable than even the sin of the Church of Scotland. Just carry with you this fact, then, to which you are so fond of appealing, and you will find, that it makes not *against*, but *for* our argument.

Having made these explanations with the view of removing misapprehension as to the ground on which the disruption in Canada took place, and showing the true principle on which the question—"Was that disruption called for?" must be settled, we now proceed to explain the sin which we charge against the Synod, and to adduce the proof by which we establish our charge.

I. And first, the sin which we charge against the "Synod in connection with the Church of Scotland" is, that by continuing in connection with that sinning Church, she has made herself partaker—art and part,—with her in her sin, the sin of practically denying the sole Headship of Christ over his own Church.

By the minute and lengthened illustration and proof which we have given of the sin of the Church of Scotland, we trust that we have sufficiently convinced you, not only of the reality and magnitude of the sin which she committed in basely giving up her spiritual independence to the civil power, and thus denying Christ as her only Head, but also of the necessity under which the ministers, elders, and people of that Church who would be faithful to their heavenly King, were laid, of leaving her. And if we have succeeded in this part of our work, we shall have no difficulty in getting you to admit, that if only we can substantiate against the Canadian Synod the charge now stated, we shall have fully established that the disruption in Canada was called for. We frankly confess, that if we have failed to convince you of the exceeding heinousness of the sin committed by the Church of Scotland, and of the imperative necessity of the step.

which the Free Church has adopted, we have no hope of convincing you either of the sin which the Canadian Synod committed in adhering to the Established Church of Scotland, or of the propriety of the step in which we have taken part. The more ample the opportunity which we have of knowing the state of mind, in which those who still from choice adhere to the "Synod in connection with the Church of Scotland," are acting, the more fully are we satisfied that whatever they may profess, the real secret of their adherence to that Synod is, that through ignorance, or carelessness, or looseness of principle, they have formed as yet very imperfect and inadequate conceptions of the sin of the Church of Scotland. We have rarely or never met with a man who had a thorough sense of the greatness of that sin, and a real heartfelt sympathy with the noble contentings of the Free Church; who was not warmly, *enthusiastically* on our side. In discussion with opponents too, we have always found, that whatever their professions at starting, the argument in the end mainly turned on the question of the sin of the Scottish Establishment. It is on this account that we have enlarged at such length and with such an array of proof upon the sin of that Church. We felt, and still feel, that until you are not only correctly informed on this part of the subject, but rightly impressed with the melancholy conclusion which we have established, all further reasoning with you must be in vain; while, if only we could succeed in this object, the real obstacle to your approval of our procedure would be removed, and the remainder of our task would be rendered comparatively easy.

Nor can you, we are persuaded, yourselves reflect on the subject, without seeing that the call for the disruption in Scotland, and the call for the disruption in Canada, must be affirmed or denied together,—if only we can prove to you that the Canadian Synod is art and part with the Church of Scotland in her sin. The same reasons which justified the one disruption, will then be of equal force to justify the other. Every consideration which goes to prove that the ministers and elders and people of the Free Church were called to renounce a Church which had basely betrayed the liberties with which Christ had invested her, and practically acknowledged the civil magistrate instead of Christ as her head, will go equally to prove that our secession was called for. And they whose principles would have required them (as some of you profess would have been the case with you), to be Free Churchmen in Scotland, must be seen to be acting in violation of their own principles, in adhering to the Synod in connection with the Scottish Establishment.

This, then,—let it be kept in view,—is the charge which we bring against the Synod to which you adhere, and on the proof of which, the conclusion of our argument, that the disruption in Canada was called for, now hinges,—viz., that the Synod has become art and part with the Church of Scotland in her sin,—has virtually sanctioned and approved her conduct in the practical denial of the Headship of Christ,—has aided and abetted

her in the betrayal of the liberties of the Church of Christ, and the rights of the people of Scotland,—and has, in a word, strengthened and encouraged her in her evil course, nay! even allowed herself to be publicly appealed to, and boasted of as giving such encouragement, when it was her plain and imperative duty to have renounced communion with that sinning Church, and to have shaken herself free from all participation in her sins. Let us entreat of you to consider attentively the proof of this charge which we are now to adduce. Its justice was clear when we took the step which we are now vindicating; and subsequent events have rendered it still more manifest. If, in the face of the evidence to which we shall appeal, it can be shown that your Synod is not a participator and an ally of the Church of Scotland in her sin, it must be on principles by which it may equally be shown, that one church never can be a participator in the sin of another, and that the Synod might enter into close and friendly alliance and compact with Socinian and Arminian Churches, nay! if that were practicable, with Popery itself, and still that she would be guilty of no vital sin; and still, too, that there would be no call for you to separate from her communion. Let it not be forgotten, at the same time, that unless you can thus get rid of the evidence to which we refer, you must stand convicted, so long as you adhere to the Synod in connection with the Church of Scotland, of personally and individually sinning against Christ, and encouraging those who are denying his Headship. Churches are composed of individuals; and he who adheres to a Church sinning in matters vital and fundamental against Christ, is himself a partaker in the sin. Your Christian character, then, is at stake. The question whether you are contending for or against Christ, is involved in the charge against the Synod which we have brought forward; and the answer to be given to it must depend on the force of the evidence by which that charge is substantiated. If only the charge be proved, you will plainly be shut up to the alternatives, either of honoring Christ by renouncing your adherence to the Synod which has dishonored Him, or of sinning against Christ by continuing that adherence, and by identifying yourself with those who have been guilty of denying His sole Headship over the Church which he hath purchased with his own blood.

## 2. But now to the proof.

(1.) The first ground, then, on which we rest our charge, is the resolution of the Synod (at the meeting at which our secession took place), to continue in close and friendly connection with the Established Church of Scotland, notwithstanding the sin which she had perpetrated, and to which she then showed, as she is still showing, a fixed determination to adhere.

Nothing has astonished us more, in connection with the disruption, than the vague and loose notions which some professing Christians seem to entertain, as to what is implied in the connection or friendly communion of Churches. One would almost

suppose, from the way in which not a few reason about the connection of the Synod to which you adhere with the Church of Scotland, that they are of opinion that one Church can never be a partaker in the sins of another, and that a pure Church may enter into the most close and friendly connection with the most impure and heretical, not only without any loss of her own purity, but without sanctioning and encouraging the sins and errors of the Church thus befriended, or becoming in any way responsible for the injury thus done to the cause of Christ. We can scarcely believe that any intelligent Christian, or indeed any man of common sense, can hold a principle so preposterous; and yet, where the sin of the Church of Scotland is admitted, where it is even avowed, "We should have been Free Churchmen in Scotland," and where nevertheless, the close and friendly connection maintained with that sinning Church is justified, or at least treated as if it gave no warrant for secession from the Synod, on what other principle can those who thus act, be proceeding. In the pastoral address, issued immediately after the disruption, we explained the true principle applicable to this matter, and showed by a reference to the duties and responsibilities of Churches as depositaries of the truth, and witnesses for Christ, that they are bound to be pure in their alliances, and to testify, in the formation and maintenance of such alliances on the side of truth and of righteousness,—that they cannot, if recognising the obligation thus resting on them, be in alliance with other Churches, without being understood thereby to give their sanction and approval to the principles and procedure of such Churches in all matters vital and fundamental,—and that in the event of their entering into, or continuing, in alliance with Churches involved in vital and fundamental error, they thus become partakers with them in their sin, and render themselves justly obnoxious to the same condemnation. We are unwilling to go over the same ground again, or to argue a point which we believe would, but for the effects of wilful blindness, be felt by every one to be self-evident; but to make the principle to which we are referring palpable to every understanding, we shall take a simple case in illustration. Suppose that you heard of a Church being in close and friendly communion with another Church, which was known to have fallen into Socinian or Arminian errors, receiving the ministers of that Church into her pulpits, or even into her pastoral charges, exchanging with her by letters or by deputations expressions of sympathy and approbation, and asking and receiving from her, pecuniary support,—would you not at once and without hesitation decide, that the Church so acting was sanctioning Socinian or Arminian error; aiding, encouraging, and abetting the promulgation and maintenance of these soul destroying heresies; and thus making herself a partaker,—art and part,—in sin with the Church by which they were held? Or could you, we ask, remain in connection with a Church in this position? You must be well aware, that you could not defend a Church so acting from the charge of vi-



tal sin against Christ, and that you could not justify yourself in being in communion with her.

Now, the principle on which you would decide and act in this hypothetical case, is applicable to every case of a similar kind, and is applicable, therefore, to the case of the Synod to which you are adhering. By continuing the connection with the Established Church of Scotland, the Synod has made herself a partaker in her sin, and left no alternative to those who would free themselves from a participation in her guilt, but to renounce her communion. The only way in which this conclusion can be evaded, is by arguing, as some do, that the Church of Scotland has not sinned at all, or that her sin is not of such a vital and fundamental nature as Socinianism or Arminianism would be. Of course, if, after calm examination, you hold either of these positions, you are in your proper place—you are a consistent Erastian or Latitudinarian, and we should be sorry, indeed, to be afflicted with your support; but if, as we hope, we have succeeded in convincing you that the Church of Scotland has sinned, and has sinned in a matter of the very first importance to the honor of Christ, and to the purity and independence of His Church,—that, in a word, she has denied Christ's Headship over her, then you must see and feel that the conclusion is irresistible,—that the Synod, in continuing the connection with that Church, has committed sin which renders separation a duty.

But the soundness of the conclusion to which we are thus brought, will, we are persuaded, be still more powerfully impressed upon you, if you consider for a little, the peculiar closeness of the connection which has all along subsisted between the Synod and the Church of Scotland, and the circumstances in which the formal and deliberate decision to continue that connection was come to.

A large proportion of the ministers of your Synod hold, it is well known, that the connection between the Synod and the Church of Scotland is constitutional, *i. e.* is not merely contingent and discretionary, like the connection between two separate and independent kingdoms, acting in harmony during pleasure for certain specified purposes, but permanent and essential, and such as could not be given up without a radical change of the constitution, like the union subsisting between Scotland and England, or Great Britain and Ireland. And the following extract from a report of the Colonial Committee, given in pervious to the disruption, to the General Assembly, will show that this is the view also taken by the Established Church, and that any proposal on the part of the Synod to dissolve it and assert her own independence, would be opposed as revolutionary, and made the ground of an attempt to deprive her of the endowments conferred by the State:—

“An effort, it is understood, is to be made, or rather is now being made, in the Colonial Legislature of Canada, to procure the incorporation of the Presbyterian ministers there, heretofore connected with the Scottish Establishment, as a separate Presbyterian Church, adhering simply to the Westminster Standards,



and to the Presbyterian form of worship, and the vesting in them of the property and endowments, and interest in the Clergy Reserves Fund, now secured by law to the recognised branch of the Church of Scotland there. Such a measure the Committee will, with the approbation of the General Assembly, steadily resist as a gross invasion of our Church's rights, and those of her faithful and adhering brethren and children in that colony; and if such an act should pass the local legislature, they contemplate using every means in their power to have it disallowed by the Government at home."

These are surely significant facts, well deserving of the serious consideration of those who would fain make it out that their connection with the Church of Scotland does not render them partakers in her sin; but without attaching more weight than you are willing to allow to such views of the "connection," the following statement from the Pastoral Address will show you that whatever theory be adopted as to the nature of that connection, it cannot be denied that it was of the very closest and most intimate kind, involving a communion as intimate as it is possible to conceive existing between distinct Churches, and necessarily identifying the Synod with the Church of Scotland in responsibility to Christ, as well as in credit and reputation with the world:—

"That connexion was expressed in the designation of the Synod: in order to enjoy the recognition of it by the Establishment, the inherent powers of the Synod to confer ordination, and to grant license to preach the Gospel, were both of them for a time suspended—on the ground of it, the assistance of the Establishment was sought for and obtained in securing for the Synod the recognition of her right to the Reserves—in virtue of it, the ordination by the Synod of the Licentiates of the Establishment was allowed to be equivalent to ordination by the Presbyteries of the Church at home—through the interpretation put upon it, Presbyteries in Canada have been in the practice of admitting Licentiates, Ministers, and Elders of the Establishment in Scotland, on the same footing as if they had been licensed or ordained by the Synod in Canada—as one of the privileges resulting from it, the closest intercourse in the way of friendly correspondence, and of asking and receiving advice in matters of importance, has all along been maintained—and as if to leave no doubt that the connexion was as real and as close as it was possible to be, the Synod has, in various ways, and especially in her correspondence with other Churches, all but identified herself with the Established Church of Scotland."

Such was the connection between the Synod and the Church of Scotland before the latter had perpetrated her sin;—and such be it observed, is the connection which the Synod, after the perpetration of that sin, deliberately and formally resolved to maintain. The motion with which we came before the Synod, and the rejection of which led to the disruption was, as all who have examined it will know, just a motion to dissolve connection with the Church of Scotland, and thus to free the Synod from participation in her sin. This was the course which her duty to the Head of the Church called the Synod to adopt; and the resolutions proposed by us compelled the members of the Synod formally and deliberately to say whether they would respond to this call, and free themselves from responsibility for the sin of the Church of Scotland, or would still identify themselves with that sinning Church. You know the result,—after long discussion, and much elaborate pleading in defence of the Establishment, —some of the members declaring that they valued their connection with the Church of Scotland more than their connection with the Synod,—the majority resolved that the connection

should be continued as before, and thus as unequivocally as it was possible for them to do, declared themselves on her side against the Free Church, sanctioned her procedure, and avowed their belief that it involved no denial of the Headship of Christ, and encouraged, aided, and abetted her in the evil course on which she had entered.

What were the views, intentions, and motives of those by whom this decision was carried, it is not necessary for us to say. A man may sin grievously, although at the same time he sins ignorantly,—and it is possible to be breaking the divine law, and doing injury to the cause of Christ, and yet supposing all the while that we are doing God's service. Whether, therefore, the majority of the Synod intended that their decision should bear the construction which we have put upon it, or were guiltless of such intention, and whether they were influenced in adopting it by pure or by impure motives, are questions which, —however you may be disposed to answer them,—can plainly have no bearing on the point which we are illustrating, viz., the real nature, tendency, and effect of that decision, and cannot, therefore, affect the statement as to what was implied in it, which we have just given. We trust that some were misled through ignorance;—the howling denials with which they met at the time the statement of incontrovertible and now notorious facts, must otherwise have involved a deliberate lie;—and we trust that the intentions and motives of all at least were not impure;—there are some among them, of whom nothing almost but their own confession would make us believe, that they *intended* to do what we hold they may have, nevertheless, actually done. But, be this as it may, the decision to continue the connection with the Church of Scotland, was, as we have showed *in itself*, and according to the only sound principle by which it can be judged, a vote of confidence in that Church,—a sanctioning of what she had done,—and an encouragement to her to persist in her sin. Only, as we have before remarked, by reasoning upon principles by which it might equally be shown that your Synod might be in friendly communion with Socinian or Arminian Churches, or were that practicable, with the Church of Rome herself, without sanctioning and promoting their errors, is it possible to evade this conclusion, or to deny that the Synod, by the position in which that decision placed her, became art and part with the Church of Scotland in her Erastianism, and in her practical denial of the Headship of Christ.

But, while we remind you, that it is not necessary to our argument, that all or even any of those who carried this decision, should be supposed to have deliberately intended that it should imply all that we have alleged of it,—so that you may not be staggered by the bold denial of our statements regarding it, which we believe one or two of them still continue to make, and to ground upon an appeal as to what were their own views and intentions in giving it their support,—there is but too much reason to fear that a large proportion of them were as guilty in their

*intentions*, as they were in the *act* which they perpetrated. Some of them defended the Church of Scotland out and out, and denied that she had sinned,—and of these, one or two have since gone home and occupied as many of her vacant benefices. By others, such prominence was given in their speeches to the fears which they entertained of the loss of temporalities which might follow the severance of the connection, that no one who knew anything of human nature could fail to suspect that such fears had more than their legitimate share of influence, in the determination of their judgments, or at least in the prompting of their votes. And not a few had actually received grants of money from the Establishment on the express condition of their continuing to adhere to her. We suppose we must not say of these that they were *bribed*, and shall, therefore, leave it to casuists to find out the proper term by which their position may be described. A learned doctor has asserted that they took this money on the principle, “that the laborer is worthy of his hire;” or, as we suppose he intends, as hire for their ministerial services; but, we should like to know how any honest tradesman would feel, if the hire of his labor were offered him only upon condition of his restricting himself by engagements as to his conduct in some impending religious or even political crisis. We are surely dreaming, or we have heard such offers denounced by universal consent as “bribery.” But be this as it may, of the fact itself, as we have stated it, there can be no doubt. The following extract from the Report of the Colonial Committee, given in to the General Assembly, which met immediately before the Canadian disruption, places it beyond all question, and will, we doubt not, awaken the indignation and disgust of every honest mind :—

“Unable, from circumstances, to supply the colonies with additional ministers, the Committee have not only fulfilled to existing ministers the heavy engagements they had formerly come under to them, but have made various grants of from £20 to £50 each, to deserving and laborious pastors, chiefly in the North American Colonies, who were in necessitous circumstances, and whose flocks, some of them at any period, and others from the recent pressure of the times, are unable, fully, or at all, to provide for their comfort. *These grants have been confined to those ministers who have declared their firm purpose of maintaining their connection with the parent Church, and have been most thankfully received by them, and the Committee are devising more liberal things in their behalf.*”

We leave you to ponder these facts, and to judge for yourselves, how far there is any pretext even for holding, that the Synod has not *in intention*, as truly as we have proved she has *in fact*, identified herself in sin with the Established Church of Scotland.

2. But, again, a second and no less conclusive proof of the charge advanced by us against the Synod, we find in the kind of intercourse which has been carried on, since our secession, between the Synod and the Church of Scotland.

There are some people who unfortunately labor under a hopeless incapacity in dealing with principles,—their intellects seem unable to grapple with anything but facts,—and we are happy,

for the sake of such (if there be such among you), that in exhibiting the second proof of our charge, now to be laid before you, we shall be able to do so, by a simple statement of facts, the significance of which, even a child might understand;—facts which will exhibit the Synod, not concealing or disguising that she is a defender, a supporter, an encourager of the Church of Scotland in what she has done, and in what she is still doing against the Headship of Christ, but avowing and publishing to the world that she is so.

(1.) After the disruption of the Synod had taken place, a "Letter of Sympathy" was addressed by the "Colonial Committee of the Establishment, to the Moderator and other Members of the Presbyterian Church of Canada, in connection with the Established Church of Scotland," in which the following expressions occur:—

"Your great offence, in the eyes of your opponents, seems to be this, that you refuse to disown a Church, which has done nothing to forfeit your affection, or call for such a deed on your part. \* \* \* The accusations lately brought against her in your Synod, as formerly in many of her own courts, are as destitute of truth as they are devoid of charity, and we feel refreshed with the meekness and the power with which you have exposed and refuted all such errors. \* \* \* You have our best thanks for the able manner in which you have pleaded the cause, and vindicated the principles of our national Establishment."

Here, you will observe, it is broadly asserted that the Church of Scotland *had done nothing to forfeit the affection* of the Synod, and that the accusations brought against her,—the accusations, be it remembered, which we have so fully substantiated in this address,—*are destitute of truth*, and the Synod is thanked for *pleading her cause and refuting such accusations*. Well! what did the members of the Synod do with this letter? Did they write to the Colonial Committee informing them that they had mistaken their position, and that the Synod had not made common cause with the Establishment in the manner supposed? No such thing;—that letter was immediately published and circulated through the Province, as a document which had not only been received without exception, but hailed with delight. Their approval of this letter was just what everyone who understood their position might have expected; but we confess, when it fell into our hands in the form of a circular, we were not prepared to find, that they would so *very soon* thus glory in their shame.

(2.) Having given you a specimen of the terms in which the Synod allows herself to be addressed by the Establishment, we shall next give you a specimen of the terms in which she does not hesitate to address that Erastian Church. The Commission which met in Toronto in February last, after remarking in a preamble that it was performing "*a duty which it is well known the Synod, as a body, would cheerfully have undertaken*," adopted a series of resolutions to be transmitted (and which were actually transmitted), to the General Assembly, among which the following occur.—

"That while we, in common with very many of the followers of the Redeemer throughout the world, sincerely regret that so many persons of acknowledged worth, should have considered it to have been their duty to secede from

the Church of Scotland; and although there may be certain things in her ecclesiastical polity, as an establishment, against which some of her best friends in this Province may have taken exception; yet we firmly believe, and joyfully record our conviction, that as a Church of the Lord Jesus Christ, *she still holds the truth in its purity, and possesses ample means for unfolding all the riches of the Gospel* for the conversion of sinners, and the edification of God's dear children.

"That the meekness, humility, love of peace, and Christian charity, which have been so prominently exhibited in the Church of Scotland, throughout the peculiar trials which she has of late been called to endure, are, to us, pleasing indications *that she is still animated by the Spirit of her Divine Master*, and that He who has often been her defence in troublous times, will continue to be a wall of fire around her, and the glory in the midst of her.

"That while our Synod has all along sought to cultivate a fraternal Christian intercourse with those Presbyterian Churches that hold the truth as it is in Jesus, so much more from the *nearer relation* in which we stand to the Church of Scotland, have we ever desired, and do now desire, *that the fellowship and connection with that Church may be as fully carried out as the respective circumstances of the two Churches will warrant.*"

Here you have the judgment of the Synod respecting the past conduct and present position of the Established Church, communicated to the General Assembly of that Church, in a formal document, expressive of sympathy and friendship, and of the desire that the "fellowship and connection" between them, may be carried out "as fully as the respective circumstances of the two Churches will warrant." And what is the judgment thus communicated? Does it imply disapprobation of her conduct;—does it indicate, that even the things, "against which some of her best friends *may* have taken exception," are counted by the Synod as grievous sins, or even as sins at all,—does it not, in a word, plainly imply that the Synod takes part with her *against the Free Church*, regards her as a sufferer from *false accusations*, and desires to *encourage and strengthen* her in the position which she has assumed? Just mark the language employed,—why! she is told that she "still holds the truth in its purity," although she has denied the Headship of Christ;—that she "possesses ample means for unfolding all the riches of the Gospel," although she cannot, with an honest face, or with even the appearance of consistency in conduct, fully unfold the Kingly office of the Saviour, and although the Gospel may be shut out from her parishes by the interdicts of civil courts, whose authority she has declared herself ready to obey;—and that she has prominently exhibited "meekness, humility, love of peace, and Christian charity," and "is still animated by the spirit of her Divine Master,"—although she has sold the blood-bought liberties of *his Church and people*, and called in the assistance of civil power to crush the efforts of those who were faithfully laboring to promote her purity,—although she is even now engaged in robbing the people of the Free Church, of the Churches which they built with their own money, and looking on at her friends and supporters engaged in the work of persecution, and driving congregations of devoted followers of Christ to worship on the hill-side, on the public highway, or by the sea-shore, without so much as lifting up a word of remonstrance or reproof,—and although the only token which she exhibits of the love of

peace and Christian charity ascribed to her, consists in the convenient cry of "Peace, Peace," with which she is seeking to drown the faithful voices of those who would remind her of her sins, and urge her to repentance. What is this, we ask, but just the Synod embracing and lauding to her face her fellow sinner,—telling her that if she has faults at all they are too trifling to be noticed,—assuring her that she has done nothing to grieve the Spirit of God, and bidding her God speed in her evil course. If the scales have not fallen from your eyes, the mask has at least effectually and forever fallen from the Synod, and she stands convicted, on her own confession, of being, art and part, an approver and an encourager, of the Church of Scotland in her sins.

(3.) Of the approbation and encouragement of each other, implied in the interchange of friendly visits by means of deputations between Churches, we do not need to inform you; and we would next remind you of what has been doing in this way between the Synod and the the Church of Scotland.

You know of the visit of the deputation from the latter Church, which recently perambulated the Province,—of the warm welcome which they everywhere received from the ministers and other members of the Synod,—of the attempted defence which they made of the past conduct and present position of the Church which they represented,—and of the boastings in which they have been indulging since their return to Scotland, of their success in removing misconceptions from the minds of the Presbyterians of Canada, and in drawing forth their affections towards "the Church of their fathers." Doubtless, you have read or heard of these things, and must be aware how deeply the credit of the Synod has thereby been implicated with that of the Church of Scotland; but the following extract from a report of the proceedings of the Synod which recently met in Kingston, will show you the return which that body is prepared to make for the visit of these deputies, and how much they are about to "carry out" the intercourse between the Churches, by means of a deputation to the General Assembly, and thus, in the most formal, and public, and significant manner possible, to identify themselves with the Church of Scotland in her sin:—

"It was agreed to appoint a deputation to appear at the bar of the General Assembly of the Church of Scotland, at its meeting in May, to thank the Church of Scotland, for the timely and refreshing visit of the deputation last year, and to thank them for the manner in which they fulfilled their arduous and delicate mission."

If the visits of deputies from the Free Church identify us, (as all will allow), in principles and credit with the Free Church, is it not utterly preposterous to deny that an interchange of such visits as we have above referred to, just and truly identifies you with the Erastian Establishment?

(4.) Another fact, illustrative of the kind of intercourse carried on between the Synod and the Establishment, and which exhibits the former undeniably in the attitude of an approver and an

encourager of the proceedings of the latter, is a well known fact, that the Synod is receiving and welcoming the money and the preachers of the Establishment.

You cannot have forgotten the boastings which appeared in one or two papers, about the grant of money to the congregation in Hamilton, and about the recent appointment of one or two missionaries to the Province,—and you must have noticed the following statement in the report of the proceedings of the late meeting of Synod:—

*"On an overture to that effect, the Synod rescinded their resolution of 1842. in regard to grants of money from the Colonial Committee of the General Assembly, to aid in building of Churches, and agreed to allow congregations to apply, to the said committee for such aid; all applications, however, to have the sanction, first, of the Presbytery of the bounds, and afterwards of the Synod or its commission."*

But it is unnecessary to dwell on these facts;—if the most secular mind,—the mind least capable of appreciating the spiritualities of the question,—cannot see at a glance that the reception of money and ministers from the Erastian Church, involves the support and encouragement of Erastianism, it must be through a blindness, which no exhibition of facts can be expected to remove.

3. But a third proof of our charge against the Synod, we have in the line of defence which, in attempting to vindicate their conduct, her supporters are invariably compelled to follow.

We do not, of course, refer to those who content themselves with reiterating, as if it were an argument, the mere assertion, "That the disruption was uncalled for," but to those who make any show of entering into the merits of the question. Whatever the arguments with which these attempted to defend their procedure immediately after the disruption, you will now find them, one and all, pleading their own cause and the cause of the Synod, by pleading in defence of the Church of Scotland. One reverend gentleman, we understand, usually expends his eloquence in asserting, that it cannot be denied that the Established Church of Scotland is still a Church of Christ, and then coolly jumps at the conclusion that the Synod was not called to dissolve connection with her, and of course, that she has only done her duty in taking that Erastian Church into her warmest and most affectionate embrace. A recent convert to Presbyterianism and to the cause of the Synod, not long ago, we are credibly informed, made the ridiculous assertion, that the members of the Free Church would not "obey the law,"—a duty, which he seemed to imply, the members of the Establishment had been enabled, by a high exercise of heavenly-mindedness and self-denying virtue, to discharge,—the basis of an attempted defence of the Synod. And if you refer to the speeches of a learned Doctor, in a recent public discussion, you will find, that they consist in substance of an attempt to condemn the course pursued by the Free Church, and to defend that pursued by the Establishment.



And so we have reason to believe of others. They feel that their present position cannot, with any show of consistency, be defended, unless they can, in some way or other, dispose of the charges which have been brought and proved against the Establishment; and hence, the burden of their argument may always be summed up in a pleading on her behalf. And what, we ask, is the plain inference from all this? Is it not merely that the adherents and defenders of the Synod, are in point of fact, the apologists, the advocates, the friends of the Establishment?—is it not, also, that they are *necessarily* so, and that a man cannot, with any regard to his own consistency, or to the common sense of the public, undertake the defence of one, unless he is, at the same time, prepared to undertake the defence of the other? Indeed, we will venture to assert, that you cannot calmly sit down to justify your adherence to the Synod, without finding that, in order to do so, you must either deny, or *make light* of the charges which we have advanced against the Establishment, and thus furnishing, in your own person, and by your own arguments, a new proof, to all who can appreciate the evidence by which we have established these charges, that the Synod is an approver of the conduct of the Establishment, and identified with her in sin.

4. Another proof of our charge, and the last which we shall mention, is to be found in the judgment which has been formed of the conduct of the Synod by other churches, and in the manner, especially, in which it has been regarded and referred to, by the Free Church and the Establishment.

The Churches which have sent deputies to the General Assembly of the Free Church, to testify their admiration of the noble testimony which she has lifted up for the "Crown rights of the Redeemer," and to bid her God speed in her glorious career, or which have, in any other way, given expression to their approbation and good-will, as a matter of course consider the conduct of the Synod as in direct opposition to their own, and regard her as the declared friend and supporter of Erastianism. Take, for instance the Synod of Ulster;—she repudiates you as she has repudiated the Church of Scotland, and only let the attempt be made to enter into friendly connection with that warm hearted opponent of the Erastianism of the Church with which you are connected, and she will tell you so in so many words. The only parties who feel that you are at one with them, and who are disposed to hail you as brethren, are the members of the few ignoble and Erastian Churches, which regard with hostility the principles and movements of the Free Church, and look with corresponding favor on the degraded Establishment. The Free Church herself counts you amongst her enemies; the decision of your Synod to continue the connection with the Establishment, she has felt and treated as an act of hostility to the principles for which she is contending, and a slight upon the testimony which she has lifted up for the Headship of Christ; her deputies refuse to acknowledge or hold

intercourse with a Church which is fighting on the side of Erastianism; and even the profession of some among you that you would be Free Churchmen in Scotland, would be met by the Free Church in Scotland, as it is met by her representatives and friends in Canada, with only a smile of derision. The Establishment, on the contrary, claims you as entirely and unquestionably her own; the decision of the Synod she hailed and publicly appealed to as testimony in her favor; and ever since, she has been boasting of your adherence, avowing that she was encouraged and cheered by it under the accusations brought against her by the Free Church, and giving, in fine, every evidence that she has been strengthened and confirmed by it in her sin.

Unless you have allowed yourselves to remain in a state of gross and most culpable ignorance of passing events, you must be well aware of these things, and is it not, we would ask, plain beyond all question, that in the great battle now being waged in defence of the "Crown rights of the Redeemer,"—a battle, on the success of which, the maintenance of the independence, and purity, and efficiency, of the Church of Christ depends,—the Synod to which you adhere is fighting under the banners of Erastianism, and standing side by side with the Established Church of Scotland, in her opposition to the cause of Christ?

Such, then, is the proof by which we establish the charge which we have brought against the Synod, and we confidently leave it with every intelligent and honest enquirer to say, whether the proof is not clear, conclusive, and unanswerable. And now you will see what you have to do, if you would evade the conclusion as to the necessity of the disruption, which we are legitimately entitled to draw from the charge which we have thus established, and prove, on the contrary, "that the disruption was not called for;" you must, it is obvious, either prove that the Church of Scotland has not denied the Headship of Christ, or else that the Synod has not made herself a partaker in her sin. If you undertake the first, then you are bound to go over the evidence which we have adduced in proof of the sin of the Church of Scotland, and to demonstrate that that evidence is either incorrect or inconclusive. The attempt made by the General Assembly to answer the Free Church protest, was just in substance an attempt to do what you are bound to do, and you have seen how it succeeded. If you succeed in this attempt, you will have done what all the learning and ingenuity of the greatest Doctors in the Establishment has, as yet, failed to accomplish, and you would confer an unspeakable service on that Church by giving your answer to the world. If, however, you fail in this attempt, don't forget that it will be no excuse to Christ for resisting the truth, that you have contented yourselves with pettishly exclaiming, "We won't believe it." Or, again, if admitting the sin of the Church of Scotland, you undertake the second, *i. e.*, to dispose of the proof of our charge against the Synod, then you are no less bound to show that the Synod

may do all that she has done without involving herself in sin,—that she may formally resolve to maintain close and friendly communion with an Erastian Church,—may accept of thanks for approving of her conduct,—may address her on terms of almost unqualified sympathy and admiration,—may exchange visits with her by deputation,—may receive her ministers and take her money,—may publicly plead, or allow her ministers to plead, in her defence,—may look on without remonstrance or explanation, while her approval and support of her procedure is openly boasted of, and while all the world is regarding her as her avowed and zealous friend, and yet that she may not legitimately be charged with being art and part, with that church in sin,—you must, we say, *prove all this*, or you cannot show that *the disruption in Canada was not as truly and imperatively called for as the disruption in Scotland*. If, after pondering what we have advanced, you can seriously make the attempt, our only answer will be, the friendly advice to return to your studies, and not to forget to begin at the A B C.

We might now, perhaps, close this address, as having completed what we undertook at the commencement; but we are anxious, before parting with you, to notice in a very few words, several vague, though popular objections, to our cause, which are current among the adherents of the Synod, and by which a few seem to be influenced in continuing that adherence. These objections, irrelevant and unsubstantial as they must appear to every man of ordinary intelligence, who has given attention to the real merits of the question, we have not deemed worthy of notice in the body of the address; but, for the sake of those who may, through want of due reflection, have been led to attach an undue importance (we have no hope of those who can gravele rest upon them), it may be well to show, as briefly as possibly, what they are worth.

## POPULAR OBJECTIONS.

1. A favourite objection to our cause is, that we are not acting in the spirit of peace and charity, and brotherly love, and all that sort of thing.

This objection was first heard of at the time of the disruption; but it seems to have acquired a special popularity since the visit of the deputies of the Establishment. These reverend gentlemen seem to have specially delighted to expatiate on this theme, and their language has since been re-echoed throughout the Province, as if all that was required to heal the divisions occasioned by the disruption, was, that *we should be at peace*. But, what, we pray, does this objection really amount to? Why, plainly, it is neither more nor less than a miserable attempt to hush the whole controversy,—to turn your attention away from the real merits of the question at issue,—and to set off the

love of peace against the call of principle and of duty. The trick is old, and stale, and worthless;—there never, perhaps, from the days of Luther downwards, has been a faithful exposure of the sins of an erring Church, but some of her friends have made on her behalf a similar attempt to set peace before purity. We trust that we are honest admirers of a peaceable, and charitable, and loving spirit, and whatever the world may think, the contentings in which we have recently been engaged have been anything but congenial to our spirits; but our motto is the Scripture rule, "*first pure, then peaceable*," and till it can be shown that it is not a duty to condemn and to renounce connection with an Erastian Church, or to enlighten and reclaim those who are aiding and abetting that Church in her sin, we cannot be at liberty to keep silence; and the cry of "Peace, Peace," can only bring discredit on those who raise it, and raise it for the disgraceful purpose of screening their delinquencies, and being left unmolested to persist in sin. Our hearts yearn as warmly as yours for the return of peace and of brotherly intercourse with those, still dear to us, from whom we are now separated, but peace ratified over the grave of principle and duty, would be no peace but sin.

2. A second objection which one often hears urged against us is founded on the distance between Canada and Scotland,— "What," it is sometimes asked, with an air of virtuous indignation, "What had the Synod to do with the sins or the disruption of the Church of Scotland,—the waves of the broad Atlantic rolled between them?—why was not the question treated, not as a Scottish but a Canadian question?—had this been done, as it ought to have been done, surely this disruption would never have occurred?"

We would beg, however, to remind those who may hang upon this objection, of two facts which we have clearly established, and which they seem entirely to overlook, first that a close, and intimate, and friendly connection,—which the waves of the Atlantic did not render less real,—existed before the disruption between the Synod and the Church of Scotland; and second, that by continuing that connection the former made herself art and part with the latter in her sin. You surely do not hold that one dishonest man may not be art and part with another in his dishonesty, because the one is located on the eastern and the other on the western side of the Atlantic, or that one Church may not be art and part with another in her doctrinal or practical errors because they are similarly situated towards one another. This would be to make the laws of morality to vary with locality, and the principles of the Word of God to admit of a different application according to the degrees of latitude and longitude. We would also remind you that the object of the motion which we brought forward in the Synod, and the rejection of which led to the disruption, was just to deal with the question as a Canadian and not as a Scottish one, to dissolve connection with the Church

of Scotland, and to place the Synod in a position in which our united energies might be devoted to the promotion of the religious interests of the Province, which we have adopted as our home. If, therefore, you feel aggrieved at being mixed up with the affairs of a Church on the other side of the Atlantic, you have those whom you are supporting to thank for your grievance, and your indignation ought to be pointed not against us, but against those who alone made the question a Scottish one,—who “valued their connection with the Church of Scotland more than their connection with the Synod,”—and who resolved to cling to her and to support her notwithstanding all that she had done.

3. A third objection, very frequently urged, is that the Church of Scotland is the same as ever,—that she holds by the same standards, and retains the same constitution,—and that the change—the novelty—is all on the side of the Free Church.

The palpable begging of the question involved in this objection, perhaps renders it unworthy of notice; and the whole of the first part of the address “on the sin of the Church of Scotland,” sufficiently demonstrates, not only that that Church has departed from the principles of the Word of God, but that she has departed from her own standards, and violated her own constitution, and that she is now no longer what she once was. But we are anxious to furnish the many who may be found reiterating *usque ad nauseam*, the assertion as to the sameness of the Establishment, with two authorities upon the subject, which may rather surprise them, and which, we think, of themselves, should make them ashamed of their favourite plea. The first is the opinion of Lord Cockburn, an assertor of the rights for which the Free Church contended;—the second is that of Lord Cunningham, as determined an enemy of these rights, and whose opinions seem a favourite authority among the friends of the Establishment.

Lord Cockburn, in the Lethendy case, thus expressed himself:—

“THIS, CERTAINLY, LEAVES FEW TRACES OF WHAT I HAVE HITHERTO BEEN ALWAYS ACCUSTOMED TO THINK THE CHURCH OF SCOTLAND. \* \* \* Indeed, every particular part of this doctrine will probably require to be fixed by positive decision, before it will be generally received as law.”

The opinion of Lord Cunningham is as follows:—

“‘There appears,’ says he, ‘to be little doubt, that at a certain period in the last century, when ecclesiastical questions first were the subject of discussion in our courts, an opinion was entertained by lawyers of learning and reputation ..... that such a separation (between the benefice and the cure, as at the disposal of distinct courts,) was in certain cases legitimate and competent, and admitted of no remedy in this court. But able as the persons were, they had not the benefit of the anxious and elaborate arguments, which the questions have undergone in modern times, and which have thrown a light on cases of this nature, that writers at no former period enjoyed.’”

According to the latter Judge, surely an impartial authority, —even the civil courts gave a different interpretation of the constitution of the Church from that now given, till enlightened by the discoveries of such oracles as John Hope, Patrick Robertson, and Robert Whigham.

4. A fourth objection is, that the Church of Scotland denies that she is Erastian, or that she has compromised the rights of Christ and the liberties of the Church. "Oh!" say some, "your assertions on this subject are only assertions,—we have assertions as good as yours on the other side,—nay, have we not seen in the official documents of the Established Church, a distinct and flat denial of the charges you bring against her." And this kind of pleading may even be heard, from men who look as if they should know better, in public meetings, and public discussions.

We warned you at the commencement of the address not to regard *mere* assertions on either side, and we would just repeat the warning. Set if you please the denial of the Establishment against the charges of the Free Church, and let the one be held to neutralize the other. But don't be so simple as to argue, after doing so, as if the whole question were then settled. Remember that the arguments and proofs on both sides are before you, and that it is your duty before believing the one or the other, by a reference to these to ascertain the truth. To deal with assertions alone, where proofs are offered, is to blink the question altogether, and to play the part of a fool. What would be thought of a jury, if setting aside the evidence brought to establish a criminal accusation, they should reason thus: "True, this man is accused of a grievous crime; but the assertion of the accused is as good as the assertion of the accuser; have we not heard him with our own ears solemnly deny the accusation; *ergo*, we shall bring in a verdict of not guilty?" Or, what would be thought of a kirk session which should dispose of a charge of Sabbath breaking in the same way, and should acquit an offender, against whom witnesses were ready to prove that he had been shooting or fishing on that holy day, upon no better ground than that he denied generally the charge,—asserted that he respected and honoured the Sabbath,—and assured them that he was only taking a little innocent recreation? But this is just the folly which those commit who quote, as conclusive, the Church of Scotland's assertions that she has never denied the Headship of Christ. Look to the evidence,—the clear and conclusive evidence,—by which her offence is proved, and dispose of that if you can: but till this be done, do not, we beseech you, make yourselves ridiculous by supposing that the mere assertion of the Church of Scotland can ever, of itself, establish her innocence.

5. A fifth objection, relied upon by some, is that even if the Church of Scotland has sinned, it cannot be denied that she is still a Church of Christ, and, therefore, that there was no call to dissolve connection with her.

The principle involved in this objection is plainly this, that separation from a Church can never be called for, unless she can be pronounced to have ceased to be a Church of Christ. It is utterly unsound. How far a Church may go in sin before she ceases

to be a Church of Christ, no man is warranted, or able, if warranted, to decide. There is, undoubtedly, an extreme state of corruption in which no one can hesitate in pronouncing, according to the principles of the Word of God, that a Church has ceased to be a Church of Christ; but there are many intermediate positions between this extreme state and that of a lively, flourishing Church, in which it would be presumptuous to decide that a Church is no longer acknowledged by Christ at all, and yet where the call to separate from that Church may be as loud, and clear, and imperative, as the call to separate from a brother who walketh disorderly or habitually indulges in open sin. Indeed, the apostolic rule about separation from erring brethren, necessarily involves a principle applicable to Churches, as well as individuals,—for what are Churches but collections of individuals. But it may be more satisfactory to you to show, by one or two practical illustrations, that the principle of this objection, is not one usually acted on, or by which you yourself can be prepared to abide. As a Presbyterian, for example, you hold Prelacy to be unscriptural, and to involve error in a matter of the first importance, viz., the right government of the Church. Now suppose that the Church of Scotland, instead of becoming Erastian, had become Episcopal, could you have taken it upon you to say that she had thereby and of necessity ceased to be a Church of Christ?—or would you have felt, that because you could not deny (what you had no business to deny), that she was still a Church of Christ, the dissolution of connection with her, was not a duty, and could not be justified. We venture to say, that if, in these circumstances, any one had urged such an argument against separation, you would have treated it as altogether worthless. In like manner, we presume, you are an enemy of slavery, and think its support or encouragement by Churches a most grievous sin; and suppose that a Church in friendly communion with that to which you belonged, were clearly proved to be obstinately involved in this sin, would you for a moment allow, that the duty of dissolving connection with that sinning Church, depended on your being able to assert that she had altogether ceased to be a Church of Christ? Would you not feel that the duty of separation was binding, altogether irrespective of the question, the solution of which such an assertion would demand? And if, for the support of Prelacy or slavery, it may be a clear duty to dissolve connection with a Church, of which we may not feel at liberty to deny that she is a Church of Christ, though grievously sinning against Christ, we just put it to you, may it not be held equally a duty to dissolve connection with an Erastian Church, although in like manner we may not assume in judging her, a prerogative which belongs to Christ alone?

6. A sixth objection is, that there are *as great and good men* in the Establishment as in the Free Church, and that there cannot be much harm in being connected with a Church in which such men are found.



Most men see the absurdity of an appeal to authority in a question of principle ; but there is a class with whom this objection finds favour. It may be disposed of in the same way as the former ; for if it may be a duty to dissolve connection with a sinning Church, of which we cannot take upon us to decide that Christ himself has utterly renounced her, surely it may be equally a duty to do so, even if we cannot decide that all her great and good men have forsaken her. It proceeds, too, upon the absurd assumption that the duty of renouncing a Church is to be determined not by comparing her conduct with the Word of God, but by looking to the character of some of her members. On this principle, you might justify connection with almost any Church in which a portion of the truth is still retained, and even (at least at certain periods of her history), with the Church of Rome herself. The best of men are but fallible guides ; the standard by which we are at length to be judged, is not the example even of the great and good, but the immutable principles of divine truth ; and " to the law and to the testimony," is the only rule by which it is safe for us to walk. Besides, we would ask you, is it really so that the *great* and *good* of the Establishment are to be compared in respect of moral and religious worth with those of the Free Church ; or that in the question at issue between them, the former really exhibited the characteristics of *great* and *good* men, as by the almost universal consent of Christendom is conceded in respect of the latter ? There are two notorious facts of which you should be aware, and which ought not to be without significance to those who are fond of appealing to authority,—the first is, that the members of the Free Church consist of that Evangelical body, to whom the zeal and devotedness and general revival latterly manifested by the Church of Scotland were mainly owing,—the second is, that the bulk of the Establishment is composed of Moderates, and of renegade Free Churchmen. We leave you to say among which of these, the really great and good of Scotland are to be found ; at the same time, if the standard by which you judge leads you to decide, that an alliance with the *great* and *good* of the latter body is preferable to an alliance with the great and good of the former, we can scarcely wonder that you should stick by the Establishment.

7. A seventh objection is, that whatever the sin of the Church of Scotland, the Synod, by asserting her independence (in the Declaratory Act introduced by Dr. Cook), freed herself from responsibility for that sin.

Were it necessary, we might prove to you that the Synod has never yet fully asserted her independence ;—that the Establishment asserts that the connection of the Synod with her, is constitutional (a fact to which we have already adverted), and threatens to lay hold of her temporalities if it should be dissolved,—that many of the ministers of the Synod are at one with the Establishment in this view, and that the boasted " Declaratory Act " leaves the important question thus raised altogether un-

settled. But this were a waste of time; the simple and conclusive answer to this objection is, that the connection, the friendly communion which the Synod maintains with the Establishment is the grand evil of which we complain, and of which we equally complain, whether the Synod be regarded as *dependent upon*, or *perfectly independent of* the Establishment. It is by this connection and communion (as we have shown at length), that the Synod has made herself art and part with the Establishment in sin, and till the connection be dissolved; and the communion broken off, her guilt must remain the same, and the duty of separation from her must continue binding. Let the Synod, instead of passing vague and unmeaning declarations of independence, act on her independence, and cast off connection with the Erastian Establishment, and honestly enforce and carry out Free Church principles, and then, indeed, she will have freed herself from the guilty responsibility under which she now lies, and the breach caused by the disruption may be immediately healed. But till this be done, her "Acts declaratory of independence," do not even touch the evil from which the disruption flowed.

8. An eighth objection is, that we should still have been free, notwithstanding the connection of the Synod with the Establishment, to *preach the Gospel*, and that in these circumstances, when we could have laboured as freely as ever for the salvation of sinners, and fulfilled the great end of the ministry, there could be no occasion for secession.

This objection is plausible at first sight, but it is nothing more. The principle on which it rests is first of all unsound. Even freedom to preach the Gospel could never justify a man in continuing in a Church, guilty of encouraging Popery, or of supporting a Church involved in Socinian error, and as little could it justify us in continuing in the Synod while supporting the Erastian Church of Scotland. The principle, if admitted, would allow a man to justify his support of the most grievous errors, or his connivance at the most grievous sins into which a Church can fall, by merely pleading that still he was at liberty to preach the Gospel. But is it so that we should have been able to preach the Gospel in the Synod? We say it deliberately, that we should not, *i. e.*, not the *whole un mutilated Gospel*. The Church of Scotland, we have shown you, has denied the sole Headship of Christ over the Church, that Headship which he holds in virtue of his office as King, and they who support that Church, as the members of the Synod are doing, are committed to that denial,—the denial of one of the doctrines of the Gospel, a doctrine without which men cannot fully preach Christ, as Prophet, Priest and King. Or suppose that they should still use on this as on other doctrines, the form of sound words, would that amount to a full, and sound, and faithful preaching of it? Would not their conduct belie their preaching or operate as a practical commentary upon their meaning, leading to a wrong construction of their words? Would not men

regard them either as hypocrites, preaching what they did not practise, or as Jesuits, insinuating under the guise of the phrases in use among the orthodox, a doctrine in harmony with their evil deeds. But, again, is the preaching of the Gospel, all that ministers are to look to in laboring for the salvation of sinners? It is God alone, we are told, that giveth the increase,—without his blessing, without the outpouring of his spirit along with the sowing of the word, even Paul must plant, and Apollos water in vain; and is the *mere preaching of the Gospel* all that is required to secure this blessing, and this outpouring of the Spirit from on high? If men preach not in faith, or preach with an evil conscience,—if they be denying or perverting some important truth of the Gospel, if they be supporting a cause which is dishonouring to Christ, have they any warrant to expect that he will acknowledge and give effect to their labours?—is there not, on the contrary, reason to fear that his Spirit will be grieved, and that he will seal up the fountains of waters, and curse them with a withering drought from his presence, until the heavens over them become as brass, and the earth beneath them as iron? We believe that the sad experience of many a minister of the Gospel, who has preferred worldly expediency to principle, and given, on some hollow plea, his support to an evil cause, might teach a lesson of salutary warning on this subject. It was one of the reasons which weighed with us in seceding from the Synod, that had we remained, and thus become committed to the support of an Erastian Church, God would have had a controversy with us for our sin, and that we could not have expected His blessing on our labors; and on the same ground, we would call upon all, and especially we would call upon the ministers of the Synod, in one way or other to dissolve connection with the Erastian Church which they are supporting. Then, and not till then, we hold, can they, with a clear conscience, and with full consistency, and with a warrant to expect God's blessing upon the word, preach the whole unmutilated Gospel.

9. A ninth objection is grounded, on the violent and intemperate language which, it is alleged, has been employed by some of the advocates of our cause, in speaking of the Synod and the Church of Scotland. "We cannot," say some, "give our sanction to a cause which is so supported."

We do not notice this objection as if it were deserving of a formal answer. We will not suppose that any full grown man can be so senseless, as deliberately to confound the real merits of a cause, with the language of some of its supporters. Were this allowable, there is, perhaps, no cause upon earth, that might not be pronounced unworthy of support; and it would not be difficult to shew that *your own* cause might thus be condemned. We notice it for the purpose of expressing our belief, that if the ground of the objection be enquired into, it will be found to have originated, not so much in the use of intemperate language among our supporters, as in the misrepresentations of two

classes among yourselves, upon whose honesty and intelligence, its being raised at all, reflects very little credit. By one class, the painful nature of the charges brought by us against the Church of Scotland, and the ignorance of the public at large, have been wilfully taken advantage of, for the purpose of conveying the impression that all was meekness and innocence on their side, and all intemperance and abuse on ours. Nor, is it wonderful, if among *a certain class*, they should to some extent have succeeded. The more grievous the charges brought against an individual or a body, the more easy it always is to persuade the ignorant and the gullible, who *do not wish* them to be true, that they are unfounded, and that he who brings them forward is indulging in abuse. It is not a very difficult or a very rare thing, for a man accused of some unnatural and scarcely credible act of villainy, to turn for a while the sympathies of spectators, who happen at once to be ignorant and disposed to befriend him, against the honest and indignant denouncer of his crime, by cunningly assuming an air of meekness and injured virtue, and appealing against the use of intemperate and abusive language. Among another and much larger class again, the use of this objection is the result of sheer discreditable ignorance. They will not give themselves the trouble of examining into the evidence by which the charges against the Establishment are supported, and because they do not wish to believe them, they conclude that they are not, and cannot be true. And very naturally the statement of those charges fills them with horror, and the language in which it is made, sounds to their ignorance like the language of abuse. We have heard of an elderly gentleman, who stated that his hair *actually stood on end*, on hearing the charges which were brought against "the Church of his Fathers," and who expressed great horror that any man could use *such violent and improper language*. Of course, the elderly gentleman did not believe that these charges were true, and his horror and his censure, were quite natural; but then they were the result of ignorance, and we must add of *culpable* ignorance; had he studied the subject, as he ought to have done, his horror and his censures would have been turned not against the accusers, but the accused. And without being so absurd, as to attempt to justify *every word* which *every advocate* on our side may have uttered (an attempt, which we presume, you will be as little disposed to make on behalf of your own friends), we are satisfied, if only you enquire into the foundation and origin of this objection, where you hear it advanced, that you will find, in nine cases out of ten, that it is employed by dishonesty as a cloak for sin, or raised by ignorance against the simple assertors of facts which can be proved.

10. The tenth objection, and the last which we shall notice, is drawn from the evils which it is alleged have flowed from the disruption. Pathetic pictures are sometimes drawn of the angry passions amongst brethren,—of the strife and division in once peaceful families,—of the breaking up of hitherto harmonious

and prosperous congregations,—and of the injury, above all, to the cause of Presbyterianism and to religion itself, which have resulted from our secession,—and a movement, it seems to be argued, attended with such results, could not at first have been necessary, and cannot now be deserving of support.

This objection can have no weight with any who acknowledge the paramount authority of principle in religious matters, however difficult it may be to take with those who judge of everything in the light of mere worldly expediency. It proceeds upon the assumption, that we are warranted to make expediency, or rather our own narrow and limited views of what is expedient, the rule in determining the path of duty, and that we may at once decide that a cause cannot be of God, if only angry passions, and strife, and division, and such like evils seem to follow in its train. A more dangerous error cannot be fallen into, or one more fitted to pervert the judgment, to debauch the conscience and to induce that state of mind in which men contrive, without difficulty, to persuade themselves, that self-interest and duty, gain and godliness, always lie on the same side. Where God has given us positive commands as to the path of duty, or pointed out principles by which we are to hold, and whose practical application is simple and obvious, we are not at liberty to judge of what is right, or to regulate our conduct, by a reference to consequences; we are bound simply to do our duty, and leave consequences to God. The obloquy which has been attempted to be cast upon those who have avowed and acted upon this Scriptural doctrine, only proves the unsound and unscriptural views by which some of our opponents have been influenced. When our Lord forewarned his disciples of the results which would follow the preaching of the Gospel, you remember the striking picture of *evil consequences* as well as good which he drew:—

“Think not that I am come to send peace on earth: I came not to send peace but a sword.

“For I am come to set a man at variance against his father, and the daughter against her mother, and the daughter-in-law against her mother-in-law.

“And a man’s foes *shall be* they of his own household.”—MAT. X. 34, 35, 36.

But, because angry passions, and strife, and division were thus to attend the work on which these disciples were sent forth, did he allow them to suppose, that they were to determine, by the likelihood or unlikelihood of these evils being produced, *when* it was expedient for them to preach the Gospel, or did he intend that they should decide, when such evils followed, that the course which they were pursuing was not approved of God? Was not one of the very objects for which he forewarned them of these evils, that they might not shrink from the duty which he had assigned them, even when these evils threatened most alarmingly to follow, and might not be staggered, when the formal Pharisee, and the silken votary of pleasure, and the self-in-

interested supporter of the religion of the State, into whose families or Synagogues the Gospel had found its way, shall denounce them as the authors of strife and division, and argue that a cause attended with such evil consequences could not be the cause of God. And the lesson which Christ thus taught his first disciples, was obviously a lesson for his disciples in every age, and still it proclaims—preach the Gospel, uphold the doctrines of the Gospel, witness faithfully for every truth of the Gospel, carry out conscientiously every principle of the Gospel, and doing this, leave consequences to God. But again, in this objection, it is invariably, although falsely assumed, that if there is blame connected with the evils in question, that blame must rest upon us. We admit that where evil consequences follow the agitation even of a good cause, there must always be sin somewhere, aye ! and grievous sin ; and we admit, moreover, that the blame of such evil consequences as have actually followed the disruption in Canada, must rest either on us or on you. But, then, how is it to be determined on which party the blame is to be laid ? Not by mere gratuitous assumption, surely, but by determining who is in the right,—who is following the path of principle and of duty. They are the offenders,—they are the guilty cause of strife and division, and injury to the cause of religion, who are resisting the truth,—who are supporting a cause which is not the cause of Christ,—and who are “ *striving and dividing* ” in families, and congregations, and neighbourhoods, against the faithful assertors of the crown rights of the Redeemer. We have *proved* to you who this party are, and shown you that *you yourself* happen to be among them, and we would, therefore, remind you, that as often as you expatiate upon the evils that have followed the disruption, you are not really doing damage to us, you are merely publishing your own shame, and grounding on evils which your own opposition to the truth has occasioned, an objection against the cause which we are advocating, which might, with equal effect, have been brought against the Gospel itself, against the Reformation, against the contentings of our covenanted fathers with Prelacy and lawless power, and against every cause, in a word, which has ever set in hostile array the powers of light and of darkness. But, finally, this objection overlooks the fact, that *good* as well as *evil* consequences have attended the disruption. Although a cause may not be pronounced bad merely because its agitation has been attended with some evil results, a cause which is attended *only* with evil, may well be regarded with suspicion, and our opponents, to serve their own purposes, usually argue, as if nothing but the evils they are so fond of picturing, had flowed from the disruption. But how stands the fact ? It is not, perhaps, to be wondered at, if the advocates of the “ Synod, in connection with the Church of Scotland,” know of little but the evils of which they speak. We should have been surprised, indeed, if the course which they have pursued had been attended with much that could be called good, or that could furnish a subject for rejoicing. With congregations broken up, or



wasting away, or adhering to their ministers only because they have nowhere else to go to, with a college deserted alike of its professors and its students, and with a feeling pervading their whole Church, that their greatest enemy is the truth, and the greatest danger to which they are exposed, the circulation of the truth among those who are still in ignorance, it is natural enough that their minds should be full of images of desolation, and that they should enlarge with more than ordinary pathos, on the evils which have flowed from the disruption. That, however, is but one side of the picture. If *they* have reaped only evil from the course which they have followed, *to us* the disruption has been attended with the happiest results. It has been the means of imparting new life and energy to our people, and awakening among them a spirit of liberality which some of us scarcely ever expected to see; it has secured to our Church the refreshing visits of successive deputations from the Free Church, including some of the "excellent of the earth;" it has drawn to our college numbers of pious and devoted young men, who are preparing to carry the Gospel into the remotest corners of the Province, and who promise to hand down the testimony which we have lifted up "for the rights of Christ's Crown," to future generations; it has placed us on a vantage ground for promoting union among all the sound-hearted Presbyterians of the Province,—a possible issue from which the happiest results both to the cause of Presbyterianism and of vital religion may yet flow,—and in these and similar fruits of the disruption, we see no cause to regret the part which we were constrained and enabled to take in it; on the contrary, we believe that we can see in them evidences of the approbation and blessing of God, and an earnest of still happier fruits which that event will in due time produce.

## CONCLUSION.

But we must now close, and leave it with you to say, whether we have not proved "that the disruption was called for," that the part which we have taken in it was only in fulfilment of a duty which we owed to Christ, and that those among you who would be faithful to Christ, and to the rights of his Crown, are bound to imitate our example. In parting with you, let us just call upon you to remember the deep responsibility under which you are placed in regard to the decision to which you may come on this momentous question, and the reckoning which will be made with you respecting that decision in the day of the Lord. The men of the world may represent the question at issue, as a question only about a matter of secondary and subordinate importance, and may count it of little importance on which side you determine to stand. Be not deceived. In the words of Livingston, "Christ's small things are *very great*," and that can-



not be accounted even one of Christ's small things which relates to the honor of his Kingly Crown ; as the devoted Rutherford,—another illustrious witness for the Crown rights of the Redeemer,—has so quaintly but strikingly expressed it, “It is but *man's* act to put Christ's prerogative royal into the new calendar of indifferences.” Surely the very disposition to make light of this question, and to count it of little consequence, whether you decide to stand on the side of Christ, or on the side of those who are denying His sole Headship over His own Church, of itself proves a man to be an enemy of Christ, and utterly unfit to be your counsellor or guide. Take counsel of Christ himself, and of his blessed Word ; “to the law and to the testimony ;” and decide as you shall answer to Christ at the judgment-seat. The time is at hand, when the Redeemer shall come to assert and vindicate the rights of his Crown before an assembled world. Oh ! see to it, that by the decision to which you may come, you shall not, through a weakly preference of peace to purity or through a selfish and grovelling regard to the money of the State, or through a childish respect to the honor, and respectability, and *gentility* which worldlings are wont to associate with the idea of an *Establishment*, be found on that day, to have ranked yourselves among those, who shall be convicted of having refused the honor that was due to the Redeemer's crown, and delivered up His Church into the hands of the civil power, and joined in the cry of the Jews of old when they delivered up their King himself into the hands of Pilate, “We have no King but Cæsar.”

## NOTE.

The Author of the above Address begs to explain, that although written at the request of the Commission of the Synod of the Presbyterian Church of Canada, it has not had the advantage of being reviewed by that Body, and that while the Commission, therefore, is responsible for having employed him to prepare and publish it, he alone is properly responsible for any particular views and statements which it contains, to which just exception may be taken. He trusts, however, that no ground for exception will be found by any dispassionate and candid reader. In case any who are familiar with the question of which it treats, should complain of its length, he would remind them, that it has been written specially for the purpose of supplying full and accurate information on all the leading points which the question embraces, to those,—of whom it is believed there are not a few,—who are anxious to obtain information resting on more solid grounds than the mere assertions which are current on both sides, and who are unable to decide that it is their duty to withdraw from “the Synod in connection with the Church of Scotland,” chiefly from the want of such information. In endeavoring to supply these in an authentic form with the materials wanted,—in which he hopes he has not been unsuccessful,—he has found it absolutely necessary to extend the Address very considerably beyond the length which he contemplated when he undertook its preparation. An esteemed friend has objected to the writing of such an Address at all, on the ground that it was like “firing at the Sikhs after they had been driven into the Sutlej” and some, perhaps, may cherish a similar feeling. But, it should be borne in mind, that our object is not destruction but reformation,—not to gall and annoy the scattered ranks of our opponents, nor to seek in their more complete discomfiture the triumph of party, but to make them willing converts to a cause, which we honestly believe to be the cause of Christ. In such a case, the play of the artillery of truth, even on a routed foe, should be regarded as a friendly rather than a hostile act, and ought to be continued till the last enemy whose mind is at all accessible to the truth, has been changed into a friend.

FINIS.